



Timothy Horne - 8P &lt;tim.horne@gsa.gov&gt;

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**FW: Potential Joint Development of Federal Center Station Site**

1 message

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Kathy Hodgson <KatHod@lakewood.org>  
To: "tim.horne@gsa.gov" <tim.horne@gsa.gov>

Thu, Mar 22, 2018 at 1:42 PM

From: Matt Girard [mailto:[Matt.Girard@plenarygroup.com](mailto:Matt.Girard@plenarygroup.com)]  
Sent: Monday, March 12, 2018 10:41 AM  
To: Kathy Hodgson <KatHod@lakewood.org>  
Subject: FW: Potential Joint Development of Federal Center Station Site

Kathy –

FYI – thought you might be interested in what the CCH is doing. Just received this from them. Let me know if you want to chat.

**Matt Girard** | Group Head – Civil Division | Plenary Group

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1700 Lincoln Street, Suite 3000

Denver, CO 80203

Direct: 303-803-9458

Cell: (b) (6)

[Matt.Girard@PlenaryGroup.com](mailto:Matt.Girard@PlenaryGroup.com)[www.plenarygroup.com](http://www.plenarygroup.com)

From: John Parvensky [mailto:[jp@coloradocoalition.org](mailto:jp@coloradocoalition.org)]  
Sent: March 12, 2018 10:35 AM  
To: Matt Girard <[Matt.Girard@plenarygroup.com](mailto:Matt.Girard@plenarygroup.com)>  
Subject: Potential Joint Development of Federal Center Station Site

Dear Matt:

As you may know, the Colorado Coalition for the Homeless and its subsidiary Renaissance Housing Development Corporation have received initial approval for the transfer of a 59 acre parcel at the Federal Center Station for use to assist the homeless pursuant to Title V of the McKinney Homeless Assistance Act. The Coalition has proposed to use the site initially as emergency and transitional housing and services for homeless families and individuals in Jefferson County in Phase One using temporary structures, with a Phase Two development replacing the temporary structures. See attached description of the proposed development.

We recognize that our proposed use, which is limited by the requirements of Title V, is not the highest and best use for the property. We believe that a denser, mixed income, mixed use development would be more beneficial to the community as well as to the formerly homeless families and individuals who would reside on this site.

We have discussed a potential mixed income, mixed use development alternative with leaders of the City of Lakewood who have expressed support for such an approach. Your company has been identified as one that might be interested in participating in the joint development in the site that provides a mixture of residential and commercial/retail uses while incorporating housing and services for those served by the Coalition.

Under such an approach, the Coalition would be willing to withdraw its Title V application in return for an agreement by GSA to transfer the property to a joint venture entity created by the Coalition and a market rate developer for a price that is equal to the fair market value of the property, minus the value of the portion of the site dedicated for use by the Coalition to assist the homeless (recognizing that the inclusion of the Coalition's uses might further diminish the FMV of the property for the market rate developer).

If you are interested in discussing a possible joint venture in the development of the site, please send to my attention a letter of interest and your qualifications for such development activities.

Please feel free to call me if you have questions

Thank you for your interest.

John Parvensky

President

Colorado Coalition for the Homeless

303.285.5204

[www.coloradocoalition.org](http://www.coloradocoalition.org)



**Federal Center Property FAQ 2.1.18.pdf**  
921K



# **FEDERAL CENTER STATION PROPERTY FAQ COLORADO COALITION FOR THE HOMELESS**

Updated February 1, 2018

## **WHAT IS THE FEDERAL CENTER STATION PROPERTY?**

The Federal Center is a 59-acre property in Lakewood, Colorado, owned by the federal government and managed by the General Services Administration (GSA) adjacent to the Federal Center RTD multi-modal station. This property was declared surplus by GSA in 2016 and was initially deemed “unsuitable” for use to assist the homeless by HUD in October 2016. The property was subsequently put up for public auction by GSA in early 2017 for mixed use development including residential use.



**Federal Center Station Surplus Property**

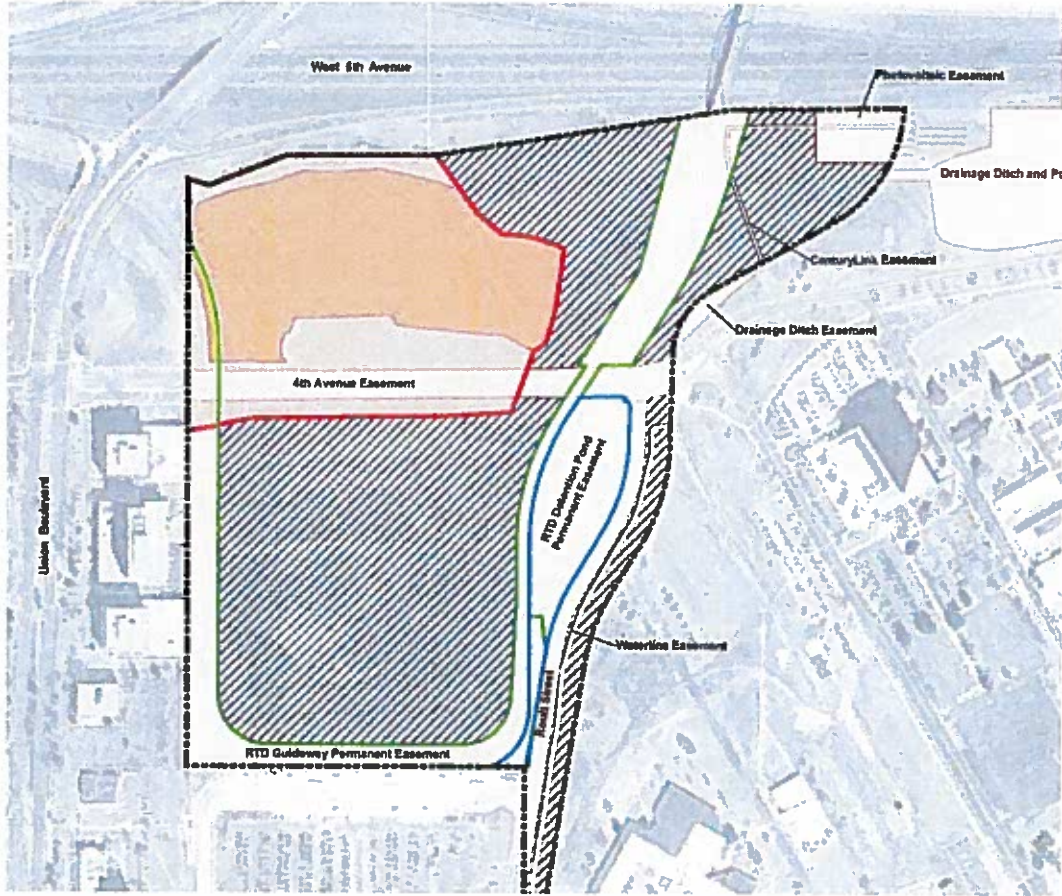


**Phase Two Development Plan**



### **WHY IS THE COLORADO COALITION INTERESTED IN THIS PROPERTY?**

Under Title V of the federal McKinney-Vento Homeless Assistance Act, excess or surplus federal property must be made available to homeless service providers at a nominal cost to assist the homeless. CCH has been working for more than 30 years to serve homeless families and individuals in Jefferson County, directly and in collaboration with other local human service agencies. The lack of available, affordable land in Lakewood and Jefferson County is a significant barrier to effectively responding to the increasing number of homeless families and individuals in Jefferson County. CCH believes this is an ideally located property that can significantly assist individuals and families experiencing homelessness in Jefferson County with housing, healthcare, employment and support services.



### **WHAT IS TITLE V OF THE MCKINNEY-VENTO ACT?**

Title V of the McKinney-Vento Homeless Assistance Act of 1987, Public Law 101-645, enables eligible organizations to use unutilized, underutilized, excess, or surplus federal properties to assist persons experiencing homelessness. Eligible applicants are states, local governments, and nonprofit organizations. Properties, including land and buildings, are made available strictly on an "as-is" basis. No funding is available under Title V. Surplus properties may be transferred by lease or deed. Leases are provided free of charge for up to 20 years. Properties transferred by deed are restricted to continue to provide assistance to the homeless for a period of 30 years. Successful applicants may use the Title V properties to provide emergency shelter, services, transitional housing, permanent supportive housing, health care, employment services, storage, and other benefits to persons experiencing homelessness (HUD Exchange).

### **WHAT LEGAL ACTIONS HAVE OCCURRED REGARDING THE FEDERAL CENTER PROPERTY?**

The Colorado Coalition for the Homeless filed a lawsuit and requested a Temporary Restraining Order (TRO) and Preliminary Injunction to prevent the imminent sale of a 59-acre, surplus portion of the Federal Center property in Lakewood, arguing that HUD's determination that the property was unsuitable for homeless use, while General Services Administration (GSA) was marketing and selling the property as suitable for mixed-use

and market-rate residential development, was arbitrary and capricious and in violation of Title V of the McKinney-Vento Homeless Assistance Act and federal regulations.

Judge Martinez issued a TRO prohibiting GSA from selling the property prior to August 11, 2017. In his Order, Judge Martinez found that CCH had demonstrated a “substantial likelihood of success on the merits” of proving that “HUD’s unsuitability determination was arbitrary and capricious and therefore in violation of the Administrative Procedures Act.” The Court further found that CCH would suffer irreparable injury if the GSA auction was permitted to conclude.

Judge Martinez ordered GSA to refrain from accepting any offers or to “otherwise dispose of the Surplus Property before October 16, 2017”. HUD was given 30 days to reconsider its initial determination of unsuitability until September 14, 2017. HUD extended that deadline an additional 11 days before making its final decision.

On September 25, 2017, HUD reversed the unsuitability determination regarding the Federal Center, determining that the property was indeed suitable for use to assist the homeless. HUD released a letter announcing its decision and GSA cancelled its auction and sale of the property. Eligible applicants were given the opportunity to submit a letter of interest to apply to acquire the property through lease or deed

CCH filed its initial application with HHS requesting transfer of the property to CCH to provide emergency and transitional services for homeless families and individuals on the site on December 22<sup>nd</sup> and supplemented the application on January 12, 2018. **On January 23<sup>rd</sup>, HHS approved CCH’s application.**

#### **WHAT IS CCH PROPOSING TO DO AT THE FEDERAL CENTER PROPERTY?**

CCH is proposing a two-phase use and redevelopment of the Federal Center property. In Phase One CCH will use the property to provide a campus of emergency shelter and transitional housing and services for homeless families and individuals using temporary structures constructed or placed on the site by CCH. This will allow CCH and human service organizations in Jefferson County to meet the immediate emergency needs of homeless families and individuals in Jefferson County while completing planning for the second phase of development.

In Phase Two, CCH will replace the temporary structures with newly constructed permanent buildings to be used for permanent supportive housing, permanent affordable housing, transitional supportive housing, and supportive services for homeless families and individuals.

The area of the site between 4<sup>th</sup> Avenue and 6<sup>th</sup> Avenue will be used as a Solar Energy Collection Farm to provide electricity for the proposed uses during both phases and as a job training program for homeless individuals.

#### **WHAT TYPE OF STRUCTURES WILL BE USED DURING PHASE ONE?**

CCH will use a combination of manufactured housing, such as FEMA trailers, geodesic dome structures, and larger insulated tent structures to provide emergency and transitional housing for homeless families and individuals. Additional temporary structures will be used to provide support services, including counseling, employment and vocational services, and integrated health care services.



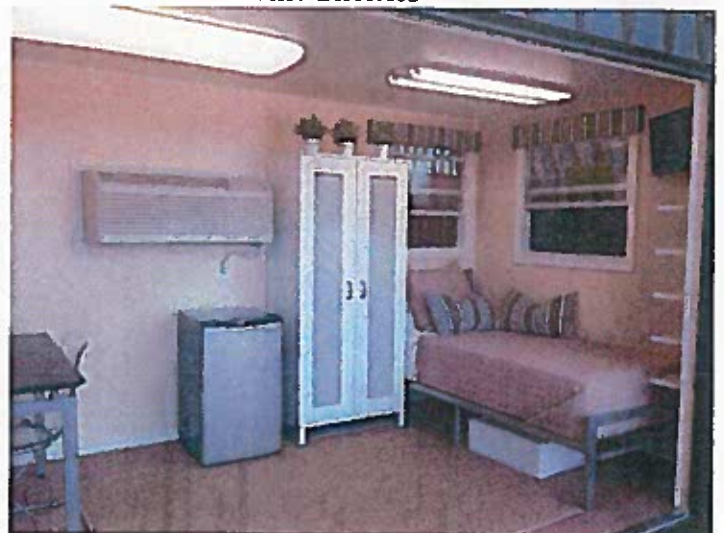
Phase One Site Map



Dome Shelters



Manufactured Container Housing



Typical Interior



Sprung Tent Structures



### **WILL THE SITE BE PRIORITIZED TO LAKEWOOD AND JEFFERSON COUNTY RESIDENTS?**

CCH provides housing and services across the state of Colorado in collaboration with local human service providers. CCH has been serving residents of Lakewood and Jefferson County for 30 years. Over the past five years, CCH has provided housing and health care services to more than 1,800 individuals and family members whose last permanent address was in Lakewood. CCH plans to provide priority to Lakewood and Jefferson County residents to allow these persons to be served in their home community. This will lessen the demand on services in Denver and surrounding communities.

### **WILL THE PROPERTY BE USED AS A TENT CITY?**

CCH is not proposing to use the site as a "tent city". We are proposing in Phase One to provide a number of temporary structures to provide emergency shelter, transitional housing and support services for homeless families and individuals. Only families and individuals enrolled in the program will be allowed to reside on-site. Referrals for the program will come from local human service agencies and the OneHome coordinated Intake and Assessment system. The container housing structures will have individual bathrooms and showers. There will be community bathrooms and showers for those residing in the emergency shelters. CCH is committed to ensuring the safety and security of all program participants. Access to the site during phase one will be limited by fencing and security personnel.

### **WHAT TYPE OF HOUSING WILL BE CONSTRUCTED DURING PHASE TWO?**

CCH proposes to construct five apartment buildings on the site to provide up to 600 units of permanent and transitional housing for families and individuals, with community spaces and social service offices on the first levels. These four-story structures will be similar to apartment buildings constructed by CCH in other parts of the Metro Denver area, including its most recently completed development at 40<sup>th</sup> and Colorado Blvd. in Denver, the Renaissance at North Colorado Station. We have developed more than 1,800 units of housing in the Metro Denver area over the past 20 years, including the Renaissance at Concord Plaza development at 17<sup>th</sup> and Kendall in Lakewood. We pride ourselves in developing quality housing for formerly homeless families and individuals that look and operate like market rate housing, and help revitalize communities.



Phase Two Proposed Plan for Area 1



Renaissance at North Colorado Station, Completed 2016

### **WHO HAS DECISION MAKING AUTHORITY TO APPROVE THE PROPOSED USES FOR THE PROPERTY?**

Since the property is owned by the U.S. Government and considered a federal resource, the U.S. Department of Health and Human Services (HHS) has the sole authority to approve the application by CCH to use the property to assist the homeless in accordance with Title V of the McKinney Vento Homeless Assistance Act. While CCH has outreached to Lakewood and Jefferson County officials to provide details of its proposal, Lakewood and Jefferson County have no role in the decision to transfer the property to CCH.

HHS approved the proposed uses detailed in CCH's application on January 23, 2018. CCH will submit more detailed financing information on March 9, 2018. HHS will have 20 days to approve the financing plan.

### **WHY ARE SERVICES FOR HOMELESS FAMILIES AND INDIVIDUALS BEING PROPOSED FOR THE PROPERTY?**

Through a combination of integrated healthcare, housing, employment, and support services, the Colorado Coalition for the Homeless provides lasting solutions to 18,000 individuals and families each year throughout the state. CCH has been providing housing and services to homeless and families in Jefferson County and throughout the Metro Denver area since 1986. As the housing market continues to become less affordable to low income families in every county in Colorado, and homelessness is increasing throughout Jefferson County and Metro Denver, the Coalition is more determined than ever to meet the immediate and long term needs of homeless families and individuals by creating supportive housing, and providing integrated health care, employment and social services for these families and individuals, including veterans.

The data is striking in Jefferson County and is similar in surrounding Denver metro area: minimum wage does not afford decent housing. In the 2017 Out of Reach study by the National Low Income Housing Coalition, a person would need to work 85 hours per week at minimum wage to afford a 1-bedroom apartment in Jefferson County—more than double the traditional work week in the United States.

The January 2017 Point-In-Time data found that there are 394 individuals and 244 families with children experiencing homelessness in Jefferson County alone. While this data only reflects those who participated in the survey on one day in January 2017 and who were within the HUD definition of homelessness, it shows there are many individuals without access to safe housing and support services. Point-In-Time data does not include:

those who are doubled/tripled up; families, youth and singles in hotels/motels paid for by themselves; hidden singles, youth and families; and those who refused the survey. We estimate that the number of persons experiencing homelessness during the course of the year is 2.5 times the Point in Time count. Thus, as many as 1,000 persons in Jefferson County experienced homelessness in 2017. Using this survey as a reference point, it is certain that there are many others in the community who were not counted but could significantly benefit from affordable housing and wrap-around services like healthcare, respite services, employment services, and case management. Indeed, the Colorado Department of Education estimates that there were 2,700 homeless students in the Jefferson County School District in 2017.

The Colorado Coalition for the Homeless has proven for three decades that providing affordable and supportive housing and health care helps our communities provide safe environments for children to learn, for adults to recovery from substance abuse and receive medical treatment, and for many individuals who have experienced trauma to receive much needed behavioral and mental health services. Such housing and services also reduce the unnecessary taxpayer costs of emergency services, including police and courts, emergency room and hospital costs, detox, and similar costs. CCH believes the Federal Center Property provides a unique opportunity to create a new development to make Jefferson County a community where everyone has a safe place to call home and an opportunity to thrive.

### **HOW MANY HOMELESS PERSONS WILL BE HOUSED AT THE PROPERTY?**

- During Phase One, we will provide 250 emergency and transitional housing beds for homeless families and individuals. Residency will be limited to those who are referred to and enrolled into the program. During Phase Two, CCH will construct up to 600 apartments for formerly homeless families and individuals. Depending on the size of the families housed, the site could provide long term housing as many as 1,000 persons.





William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

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**DFC Financial Package**

8 messages

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**William Morgan - 7PZB** <william.morgan@gsa.gov>  
To: Theresa Ritta <Theresa.Ritta@psc.hhs.gov>

Mon, Mar 12, 2018 at 8:13 AM

Good Morning Theresa,

Can you confirm if the Coalition sent in their financial information that was due last Friday?

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>  
To: William Morgan - 7PZB <william.morgan@gsa.gov>

Tue, Mar 13, 2018 at 7:39 AM

Hi William,

We received CCH's financial plan on 3/9/18.

Thanks,

Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)





**From:** William Morgan - 7PZB [<mailto:william.morgan@gsa.gov>]

**Sent:** Monday, March 12, 2018 10:13 AM

**To:** Ritta, Theresa (PSC/RLO/RPM)

**Subject:** DFC Financial Package

[Quoted text hidden]

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**William Morgan - 7PZB** <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>

To: "Ramirez, Telesforo (PSC/RLO/RPM)" <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>

Tue, Mar 13, 2018 at 7:39 AM

Thank you.

[Quoted text hidden]

--

William Morgan

Project Manager

General Services Administration

Real Property Utilization and Disposal Division (7PZ)

Denver Federal Center, Bldg. 41

Lakewood, CO 80225

817-978-4239



William Morgan - 7PZB <william.morgan@gsa.gov>

To: "Ramirez, Telesforo (PSC/RLO/RPM)" <Telesforo.Ramirez@psc.hhs.gov>

Mon, Mar 19, 2018 at 11:07 AM

Tele,

We found many factual inaccuracies in the original CCH application and thank you for considering our comments. Without compromising sensitive financial information should GSA review the phase II portion of the application for similar issues?

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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[Quoted text hidden]

Ramirez, Telesforo (PSC/RLO/RPM) <Telesforo.Ramirez@psc.hhs.gov>

To: William Morgan - 7PZB <william.morgan@gsa.gov>

Tue, Mar 20, 2018 at 6:51 AM

We're good. Thanks.

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

 [website](#) | [comments](#)





**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]

**Sent:** Monday, March 19, 2018 1:08 PM

**To:** Ramirez, Telesforo (PSC/RLO/RPM)

**Subject:** Re: FW: DFC Financial Package

[Quoted text hidden]





William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

## Fwd: CCH proposal

Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

Thu, Mar 8, 2018 at 8:19 AM

To: John Robinson <john.robinson@gsa.gov>, Jennifer Mollenshott <jennifer.mollenshott@gsa.gov>, William Morgan <william.morgan@gsa.gov>

FYI

Melvin E. Freeman, CCIM  
 GSA, PBS Greater Southwest Region (7P)  
 819 Taylor Street, Rm. 11A00  
 Fort Worth, TX 76102  
 Tel: (817) 978-3856  
 Cell: (b) (6)  
[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)


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 MAKING A DIFFERENCE  
IN OUR COMMUNITIES

 LEADING WITH  
INNOVATION

 BUILDING A  
STRONGER GSA

----- Forwarded message -----

From: Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

Date: Thu, Mar 8, 2018 at 8:59 AM

Subject: Re: CCH proposal

To: Kathy Hodgson &lt;KathHod@lakewood.org&gt;

Cc: Timothy Horne - 8P <tim.horne@gsa.gov>, Katherine Gates - 8A <katherine.gates@gsa.gov>, Bobby Babcock - 7A <robert.babcock@gsa.gov>, Richard Stebbins - ZCR <richard.stebbins@gsa.gov>, "Flavio Peres (PTA)" <flavio.peres@gsa.gov>, Ralph Conner <ralph.conner@gsa.gov>, James Ferracci <james.ferracci@gsa.gov>

Hi Kathy,

Thanks for reaching out to inquire about the current status of the DFC disposal action. Below is the latest information concerning our schedule for the homeless application and review process.

Dates are as follows:

Financial Plan (Phase 2) due to HHS - March 9<sup>th</sup>HHS determination due to CCH - March 24<sup>th</sup>CCH response to GSA letter due to HHS - April 1<sup>st</sup>

Please let me know if you have additional questions. Thanks, Melvin

Melvin E. Freeman, CCIM  
 GSA, PBS Greater Southwest Region (7P)  
 819 Taylor Street, Rm. 11A00  
 Fort Worth, TX 76102  
 Tel: (817) 978-3856  
 Cell: (b) (6)  
[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)


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 BUILDING A  
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On Wed, Mar 7, 2018 at 4:50 PM, Kathy Hodgson <[KatHod@lakewood.org](mailto:KatHod@lakewood.org)> wrote:

Hi Melvin,

I hope you are well. I am writing to see if you might be able to give me an update on the timeline/looming deadline for the HHS determination on the Denver Federal Center property.

As you can imagine, the property and proposal by CCH has created enormous interest in the community and no one seems to know when the actual determination will be made.

Any information you can provide would be helpful.

Thanks in advance Melvin.

Kathy

**Kathy Hodgson**

City Manager

CITY OF LAKEWOOD, COLORADO

303.987.7050

480 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

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**Lakewood**



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William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

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**CCH Application Clarification Paper re: DFC**

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**Melvin Freeman - 7PZ** <melvin.freeman@gsa.gov>

Wed, Feb 14, 2018 at 10:28 AM

To: Telesforo.Ramirez@psc.hhs.gov

Cc: William Morgan &lt;william.morgan@gsa.gov&gt;, John Robinson &lt;john.robinson@gsa.gov&gt;, Mark Duffy &lt;mark.duffy@gsa.gov&gt;

Mr. Ramirez,

Thanks for providing GSA a copy of the homeless application from CCH for acquisition of the 59 acre surplus property located at the Denver Federal Center. Attached is a copy of a letter to help clarify some of the assumptions in the application. Also, I've attached recommended language to be included in any conveyance instrument of the property to a successful applicant. Please let know if you have questions or would like to discuss this information in more detail.

Thanks, Melvin

Melvin E. Freeman, CCIM  
GSA, PBS Greater Southwest Region (7P)  
819 Taylor Street, Rm. 11A00  
Fort Worth, TX 76102  
Tel: (817) 978-3856  
Cell: (b) (6)  
[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)

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IS TO PROTECT

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**2 attachments****CCH Application Clarification Paper.pdf**  
80K**CCH Additional Lease Requirements.pdf**  
65K





February 14, 2018

Mr. Telesforo Ramirez III, J.D., M.S.  
Realty Specialist, Real Property Management Services  
Program Support Center  
U.S. Department of Health and Human Services  
7700 Wisconsin Ave  
Bethesda, MD 20814

Re: CCH Application Clarification Paper

Dear Mr. Ramirez,

On January 26, the General Services Administration (GSA) was provided a copy of an application for the acquisition of surplus federal real property known as the Denver Federal Station that was submitted to your office by the Colorado Coalition for the Homeless (CCH).

Please be advised that certain factual items related by CCH concerning their interpretation of conditions and assumptions with the property need clarification and/or correction. Each point is referenced first by document file name then by page and section. I'm happy to provide more clarification around any of these points or supply supporting documentation if necessary.

**File – CCH to HHS Application GSA 7-G-CO0441-21-AJ**

p. 8 – Claims that the ODP "stipulates any existing non-conforming uses as defined in the Lakewood Zoning Ordinance will be deemed permissible upon such transfer of fee title from federal ownership."

The ODP states in Section III, C., the United States must consider its responsibilities pursuant to 40 U.S.C. § 3312. This Section states "(c) Zoning Laws.—Each building constructed or altered by the Administration or any other federal agency shall be constructed or altered only after consideration of all requirements (except procedural requirements) of the following laws of a State or a political subdivision of a State, which would apply to the building if it were not a building constructed or altered by a federal agency:

(1) Zoning laws.

(2) Laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, esthetic qualities of a building, and other similar laws."

p. 9 – To be clear, CCH must be a party to the State's consent order even as a tenant under lease.

p.10 (B)(3) 1<sup>st</sup> Bullet point - There are no electrical or gas services "within the Federal Center" that are available for development of this site. Since GSA remains the owner of the property in fee, any utility easement must be approved by the agency prior to construction.

p.29 (C) Phase One Use Proposal, Area 3

In reference to the RTD Detention Pond Easement, the statement "...which is designed to provide storm water detention and drainage for the surplus property" is false. Per the easement dated October 19, 2010, RTD reserves the right to require storm water participation fees from other parties that choose to utilize the detention pond within the drainage area depicted on Exhibit D of the easement. This area does not include any development north of 4<sup>th</sup> Avenue.

p.30 (C) Phase Two, Area 1: – The assumption that the RTD detention pond is designed to handle additional stormwater created when developing the site within the RTD tracks is false. Also, the assumption that the Federal Government will agree to intake additional stormwater into the existing system on the DFC affecting property outside the property under consideration is false.

p.34 (D) – Congresswoman Diane DeGette does not represent the district in which the property is sited. Due to the significance of the Federal presence in the City of Lakewood at the DFC, political letters of support that come from the City of Lakewood or its Congressional representatives are typically shared with GSA. No such correspondence supporting CCH has been shared with GSA.

p.50 4.(A) Block D - An assumption that there will be unrestricted access to existing stormwater systems is false.

p.51 4.(A) Area 3: - An assumption that there will be unrestricted access to existing stormwater systems is false.

**File - Exhibits – Pt I\_1A thru 3A5**

**Exhibit 2B4 - Green Mountain Water and Sanitation District Letter – 11-30-17**

p.2 3. Bullet Point – Statement is made by Green Mountain that sewer service will also require the extension of sewers across the Denver Federal Center, along 7<sup>th</sup> Street. There are currently no such easements or agreements in place which would facilitate Green Mountain or any other

outside party running sewer in this location. As fee owner, GSA must approve any proposed utility easements prior to construction. Any such proposal would need to be determined in the best interest of the government and appropriate acquisition of such easement/agreement must be completed through Federal Regulations. Additionally, there are currently no plans to report this property excess.

**Exhibit 3A1 – Housing an Inclusive Denver**

The subject property is located in the City of Lakewood, not Denver. This document does not reference Lakewood as part of any planning.

**File - CCH to HHS\_Environmental Questions\_Exhibits C2-3\_Part I**

**Exhibit Attachment C3**

Per the State of Colorado Department of Public Health and Environment directive CCH will apply and must be approved under the Corrective Action Plan which covers the Northwest Corner Landfill. By the State's approval, CCH must comply with the full terms and conditions as set forth by the State.

**File – CCH to HHS Attach C Environmental Questionnaire**

p.9 Q.7. – Any development on the subject property will require some level of storm water controls to be put in place. Any assumption that the current Denver Federal Center system has capacity to handle such water or that additional stormwater would be allowed, is false.

p.12 #16 – Ms. Cudahy, District Manager, Green Mountain assumption that utilities currently serving the DFC, located at the intersection of Main Ave. and South 8<sup>th</sup> St., will be available for use for this property, is false.

Sincerely,

(b) (6)

A large black rectangular redaction box covers the signature area, obscuring the name and title of the sender.

Melvin E. Freeman, Director  
Real Property Utilization and Disposal  
General Services Administration



## **Additional Lease Requirements**

### **1. Terms for Non-Exclusive Use**

#### **A. Non-exclusive use of a permanent road known as Fourth Avenue.**

1. **Purpose – Vehicular and Pedestrian Access:** The purpose of Fourth Avenue is to provide vehicular and pedestrian access, ingress, and egress in, over and through the property of the Government known as the Denver Federal Center (herein "DFC"). Lessee agrees to maintain, utilize, repair, and operate Fourth Avenue providing uninterrupted Government access to the Property.

2. Modifications to Fourth Avenue may be made only by the Government or its assigns to change the description of the property in size or location, purpose, or any other changes.

#### **B. Non-exclusive use of area containing Government owned Photovoltaic Panels:**

1. **Purpose – Photovoltaic Panels:** The purpose of the Photovoltaic Easement is to provide the Government access, ingress, egress in, and over the affected portion of the Property in order to utilize, repair, operate and maintain the Photovoltaic Facility providing electricity to the DFC.

2. Modifications to the Photovoltaic Easement may be made only by the Government or its assigns to change the description of the property in size or location, purpose, or any other changes.

#### **C. Non-exclusive use of a permanent Communication Line.**

1. **Purpose – Communication Line:** The purpose of the Communication Line is to provide the Government access, ingress, egress in, and over the affected portion of the Property in order to utilize, repair, operate and maintain the Communications Line providing services to the DFC.

2. Modifications to the Communication Line may be made only by the Government or its assigns to change the description of the property in size or location, purpose, or any other changes.

#### **D. Non-exclusive use of a permanent Waterline.**

1. **Purpose – Waterline:** The purpose of the Waterline is to provide the Government access, ingress, egress in, and over the affected portion of the Property in order to utilize, repair, operate and maintain the waterline providing services to the DFC.

2. Modifications to the Waterline may be made only by the Government or its assigns to change the description of the property in size or location, purpose, or any other changes.

### **2. Full terms and conditions with state environmental requirements**

In the area impacted by a landfill:

A. The Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division (CDPHE) is aware that GSA agrees to lease the Property to the Lessee pursuant to the terms of this Lease. The Denver Federal Center (DFC) is regulated under the Hazardous Waste Corrective Action Compliance Order on Consent No. 97-07-18-01 (Consent Order) that GSA entered into with CDPHE in 1997. The Parcel covered under the Consent Order is described in Parcel 2.

B. On October 13, 2013 CDPHE approved a Corrective Measures Work Plan with the Government and in the 2014 calendar year physical work required to implement that plan was completed. **The Lessee hereby agrees that it will deliver to CDHPE Lessee's Application for an enforceable Corrective Action Plan (the "CAP Application") under the Colorado Hazardous Waste Regulations (6 Code of Colorado Regulations 1007-3, Section 100.26) with the CDPHE prior to execution of this lease of the Property.** A true and correct copy of the form CAP Application to be utilized by the Lessee is attached hereto as Exhibit A, which is hereby incorporated and made a part hereof.

C. The Lessee further specifically agrees that Lessee is capable and competent to fully comply with all terms, conditions, restrictions, notices and agreements contained in the Notice of Environmental Use Restriction recorded on April 17, 2017, Reception No. 2017039916, in the Office of the Jefferson County Clerk. **The CDPHE CAP Application and the CDPHE approval will become effective upon leasing of the Property. NOTWITHSTANDING THE FOREGOING AND AS AN ADDITIONAL CONDITIONAL PRECEDENT PRIOR TO ISSUING A LEASE, LESSEE MUST PROVIDE WRITTEN PROOF THAT CDPHE HAS ACCEPTED AND APPROVED THE CAP APPLICATION BEFORE THE GOVERNMENT WILL EXECUTE THIS LEASE.**

D. CDPHE will assign the engineered controls required for the property with a new U.S. EPA Identification Number for tracking purposes. The requirements for future operation and maintenance are specified in the CDPHE NW Corner Landfill Cover O&M Plan. Solid waste and residual contamination above unrestricted use levels remain beneath the engineered controls. Special material handling and disposal procedures will have to be followed if future operators of the Property or their agents wish to disturb the engineering controls themselves or the material beneath them. The special procedures for this area are specified in the Division approved NW Corner Landfill Cover Materials Handling Plan.

E. The CAP Application also provides a mechanism for CDPHE to review and approve the design and construction plans for structures to be built on the NW Corner Landfill Cover. CDPHE anticipates that this CAP Application will only be required until major redevelopment of the NW Corner Landfill Cover property is complete pursuant to approved design and construction plans. After such development of the property is substantially complete, the CAP will likely no longer be necessary and may be closed out by CDPHE.

F. Nothing in the preceding shall prohibit the installation or use of monitoring or remedial wells as authorized in a remedial decision document or environmental sampling plan approved by CDPHE.

G. Nothing in the preceding shall prohibit groundwater extraction/management arising from construction dewatering which is conducted in compliance with applicable wastewater discharge regulations.

H. While the Property is owned by the federal Government, the Lessee shall conduct construction dewatering in accordance with U.S. Environmental Protection Agency Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit program requirements.

I. Upon leasing of the Property to the Lessee, the Lessee shall secure a Construction Dewatering Permit in accordance with the Colorado Water Quality Control Act (25-8-101 et. seq. C.R.S. 1973 as amended)

prior to any dewatering activities. In such event, the Lessee must notify the Department's Water Quality Control Division that the groundwater is contaminated and that a restrictive notice has been imposed.

J. Lessee agrees that Lessor retains a right of entry for purposes of checking compliance, as it relates to the Government's responsibilities under the Consent Order with CDPHE.

Areas currently with a No Further Action Designation from CDPHE:

Lessor has conducted a due diligence examination of the Property, copies of which have been provided previously to Lessee. The result of these examinations has been to confirm that no further response (as that term is defined in CERCLA, 42 U.S.C. § 9601(25)) is necessary for those areas deemed by the Colorado Department of Public Health and the Environment to require no further action, and that there are no environmental Hazardous Substances restrictions on the use. Lessor agrees to continue to work with the Colorado Department of Public Health and the Environment and others, as necessary, to comply with Lessor's obligations under Compliance Order on Consent 97-07-18-01, or otherwise to fulfill Lessor's requirements under all applicable Environmental Laws, with respect to the Premises. Lessee acknowledges that, as of the Lease Commencement Date, there may be environmental Hazardous Substances restrictions on the Premises. Lessee or Subtenant and their consultants, agents, employees, and engineers and any prospective lenders or their consultants or contractors shall have the right, after written notice to Lessor, to perform additional tests as Lessee or Subtenant shall reasonably deem appropriate to determine the existence and extent of Hazardous Substances in, on, under, or about the Property at no cost to Lessor, provided that: (a) Lessee or Subtenant shall first obtain Lessor's prior written approval and CDPHE for any intrusive testing or other tests or inspections that might reasonably result in damage to the Property, (b) all such tests, investigations, studies, inspections, and other activities shall be conducted at Lessee's or Subtenant's sole risk, cost and expense; (c) Lessee or Subtenant shall indemnify, defend and hold Lessor harmless from and against any losses, liabilities, costs, or expenses (including reasonable attorneys' fees) to the extent arising out of Lessee's or Subtenant's entry onto the Property pursuant to this Section; (d) Lessor is afforded a reasonable opportunity to accompany Lessee or Subtenant or their agents or representatives; and (e) Lessee or Subtenant shall promptly provide to Lessor copies of any final work product as and when received by Lessee or Subtenant resulting from such tests, investigations, studies, inspections, and other work product described above in this Section. Lessee or Subtenant covenants that their tests, investigations, studies, and inspection shall not result in any material exacerbation of the pre-existing Hazardous Substances present on the Property. Before exercising their rights under this Section 2.C, Lessee or Subtenant shall deliver to Lessor evidence that Lessee, Subtenant and their consultants, agents, employees, and engineers and any prospective lenders or their consultants or contractors has at least \$1,000,000 of commercial general liability insurance covering the acts of Lessee or Subtenant with respect to their entry onto the Property, which insurance shall name Lessor as an additional insured thereunder. Lessee shall also obtain and maintain workers' compensation insurance in the amounts required by the laws of the State of Colorado. Lessee agrees for themselves and their Subtenants that Lessor may make query of and review to determine whether any Institutional or private Lender can be reasonably determined to be responsible to the terms of this section. Lessee shall promptly cause any damage to the Property resulting from such tests to be repaired at no cost to Lessor and, notwithstanding anything to the contrary set forth in the Lease, Lessee's restoration and indemnification provisions set forth in this Section shall survive any termination of the Lease. Notwithstanding the foregoing, should Lessee discover a Hazardous Substance following the Commencement Date that Lessee has determined requires a response, then Lessee shall promptly notify Lessor of such a discovery so that Lessor can determine the proper response to such a Hazardous Substance that is necessary to protect human health, safety and the environment from harm. Lessee shall not conduct operations or make any

alterations that would interfere with or otherwise restrict environmental clean-up or restoration actions, if required, by Lessor, state environmental regulators or their contractors. Environmental clean-up, restoration or testing activities by these parties shall take priority over Lessee's use of the Property in the event of any conflict. However, Lessor and Lessee agree to coordinate to minimize potential conflicts between necessary remediation of environmental contamination, including investigation and remedial actions, and Lessee's and Subtenant's use of the Property. Lessee shall promptly abate or remediate any Hazardous Substances in, on, under, or about the Property or in any Improvements in violation of any Environmental Laws, except to the extent that the release of the Hazardous Substance is solely and directly the result of an act or failure to act of Lessor.

### **3. Exceptions Affecting the Property**

Lease covering the Property is expressly made subject to the following matters to the extent and only to the extent the same are valid and subsisting and affect the Property:

A. All existing permits, servitudes, easements and rights-of-way for public streets, roads and highways, public utilities, electric power lines, electric transmission facilities, railroads, pipelines, ditches, conduits and canals on, over and across said land, whether or not of record, including but limited by the following:

1. **Permanent Railroad Guidance Easement.** Easement Deed, January 28, 2010, Grantee: Regional Transportation District, Denver, Denver County, Colorado recorded February 08, 2010, Reception #201011802.
2. **Detention Pond Easement.** Easement Deed, October 19, 2010, Grantee: Regional Transportation District, Denver, Denver County, Colorado. Recorded: Jefferson County Clerk and Recorder, August 31, 2016, Reception #2016087124.
3. **Water Pipeline Easement.** Easement Agreement, March 17, 2011, Grantee: Green Mountain Water and Sanitation District, a quasi-municipal corporation and political subdivisions of the state of Colorado whose address is 13919 West Utah Avenue, Lakewood Colorado 80228.
4. **Annexation Ordinance.** City of Lakewood Ordinance O-2007-23 Recorded: Jefferson County Clerk and Recorder, September 20, 2007, Reception #2007108292.
5. **Annexation Map.** City of Lakewood Annexation Map Recorded: Jefferson County Clerk and Recorder, September 20, 2007, Reception #2007108293.
6. **Zoning Ordinance.** Ordinance O-2007-24 Recorded: Jefferson County Clerk and Recorder, September 20, 2007, Reception #2007108295.
7. **Official Development Plan.** City of Lakewood Development Plan Recorded: Jefferson County Clerk and Recorder, September 20, 2007, Reception #2007108296.
8. **Vesting Ordinance.** City of Lakewood Ordinance O-2007-25 Recorded: Jefferson County Clerk and Recorder, September 20, 2007, Reception #2007108297.
9. **Stormwater Drainage Easement.** Agreement and City of Lakewood Ordinance, June 19, 1975, between the United States of America, National Western Development Corporation, and the City of Lakewood, Ordinance No. 75-53.

B. All existing interest(s) reserved to or outstanding in third parties in and to water rights, ditch and reservoir rights, as well as oil, gas, and/or minerals, whether or not of record.

C. All other existing interests reserved by any grantor(s) in chain of title unto said grantor(s), their respective successors and assigns, which affect any portion of the Property interest(s) hereinabove described, whether or not of record.

D. Any survey discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or protrusions, or any overlapping of improvements which may affect the subject Property.

E. Existing ordinances or resolutions, special purpose district rules and regulations, including soil conservation district rules and regulations and water conservancy district rules and regulations, filed of public record and affecting all or any portion of the subject property.

#### **4. GSA reserves the right to approve placement of utilities**

Lessee agrees that installation of utilities to serve the property must require prior approval, in writing, from the General Services Administration. Procurement of utilities, i.e., electricity, water, gas, steam, sewer, telephone and trash removal will be the responsibility of Lessee.

#### **5. Specific Land Use Restrictions Affecting the Property**

This Lease covering the Property is expressly made subject to the following specific **land use restrictions** retained by the Government covering the Property. The Lessee, for itself and its successors and assigns, specifically agrees to the following land use restrictions only insofar as it affects all or any portion of the Property as hereinafter set forth:

**1. Notice of Environmental Use Restriction** in favor of CDPHE recorded on April 17, 2017, Reception No. 2017039916, records of the Jefferson County Clerk insofar as it covers **Parcel B**.

**2. Groundwater Land Use Restriction:** No groundwater beneath the Property described in **Parcel A** from the ground surface to a depth of 100 feet below ground surface may be withdrawn for any purpose by the Lessee, its successors and assigns, except as authorized in the Notice of Environmental Use Restriction recorded on April 17, 2017, Reception No. 2017039916, in the Office of the Jefferson County Clerk approved by CDPHE. This restriction may be modified or removed under the terms described in the Corrective Measures Work Plan and the Notice of Environmental Use Restriction.

**3. No Subsurface Ground Disturbance Land Use Restriction:** No Subsurface Ground disturbance beneath the Property described in **Parcel B** shall be permitted by the Lessee, its successors and assigns, except as authorized in the Notice of Environmental Use Restriction recorded on April 17, 2017, Reception No. 2017039916, in the Office of the Jefferson County Clerk approved by CDPHE. This restriction may be modified or removed under the terms described in the Corrective Measures Work Plan and the Notice of Environmental Use Restriction.

#### **6. NEPA Compliance**

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, Health and Human Services (HHS) is responsible for any evaluations of any activities impacting the subject property. HHS has prepared a Final Environmental Impact Statement (EIS) Record of Decision (ROD) regarding the planned use of the Property.

## **7. Restoration clause**

Lessee shall not conduct operations or make any alterations that would interfere with or otherwise restrict operations, environmental clean-up or restoration actions by GSA, U. S. Environmental Protection Agency (EPA), state environmental regulators, or their contractors. Environmental clean-up, restoration or testing activities by these parties shall take priority over Lessee's use of Leased Premises in the event of any conflict. However, Government and Lessee agree to coordinate to minimize potential conflicts between necessary remediation of environmental contamination, including investigation and remedial actions, and Lessee's and sub lessee's use of Leased Premises.

Lessee shall bear all risk of loss or damage to the Leased Premises, and for claims arising from any incident with respect to bodily injuries or death resulting there from, property damage, or both, suffered or alleged to have been suffered by any person or persons resulting from the operations of Lessee, sub lessees, contractors and invitees under the terms of this Lease.

In the event of loss, Lessee will be solely responsible for demolition and removal of all damaged or destroyed structures and improvements, removal of debris and clearance of the Leased Premises or for repair, restoration, or replacement of the property damaged or destroyed. Nothing herein contained shall be construed as an obligation upon Government to repair, restore or replace the Leased Premises or any part thereof.

## **8. Taxes**

Lessor currently pays no real property taxes or other Impositions and makes no payments in lieu of such taxes or Impositions to the City of Lakewood or any other jurisdiction based upon its interest in the Property. Any federal, state and/or local taxes arising out of the use of the Property by Lessee or any Subtenant shall be paid, prior to delinquency, by Lessee, or the Subtenant, as the case may be, to the extent arising by reason of such use. If any such Imposition is enacted or altered so that such Imposition is levied against Lessor or so that Lessor is responsible for collection or payment thereof, then Lessee shall pay to Lessor as additional Rent the amount of such Imposition. Lessor shall endeavor to promptly advise Lessee of any assessment or imposition of any real property taxes, or other Impositions for which Lessee might be liable, and, provided no Event of Default is then in existence, hereby appoints Lessee as its attorney in fact authorized to contest the amount or validity, in whole or in part, of any such assessments, Impositions or related charges by appropriate proceedings diligently conducted in good faith in Lessee's name, at Lessee's sole expense. Lessor hereby agrees promptly to cooperate and join in any such contest or proceeding, as requested by Lessee, at no out of pocket expense to Lessor. Upon the termination of any such proceedings, Lessee shall pay the amount of such Imposition or part thereof as finally determined as due in such proceedings, the payment of which may have been deferred during the prosecution of such proceedings, together with any costs, fees, interest, penalties, or other liabilities in connection therewith. Lessor shall not be subject to any liability for the payment of any costs or expenses in connection with any such proceedings, and Lessee shall indemnify and save harmless Lessor from and against any such costs and expenses, including, but not limited to, reasonable attorneys' fees and disbursements, and from any liability resulting from such proceedings. Lessee shall be entitled to any refunds with respect to any Imposition and penalties or interest thereon that has been paid by Lessor. Subject to demonstrative evidence to the contrary, the certificate, advice or bill of the appropriate official designated by law to make or issue the same or to receive payment of any Imposition, or of non-payment of such Imposition, shall be prima facie evidence that such Imposition is due and unpaid at the time of the making or issuance of such certificate, advice or bill.

### **9. Protection of Historic Resources**

Lessee, for itself and its sub-lessees, successors and assigns as well as all future persons and/or entities in interest and/or possession of the Premises, agree to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 (f)), as implemented by the Advisory Council on Historic Preservation regulations at 36 CFR 800 and E.O. 11593.

### **10. Protection of Threatened and Endangered Species and Natural Habitat**

Lessee, for itself and its sub-lessees, successors and assigns as well as all future persons and/or entities in interest and/or possession of the Premises agree that its performance under this Agreement will comply with all applicable Federal, State, and local laws and regulations related to the protection of threatened and endangered species and natural habitat, if any, included but not limited to the requirements of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.). The Lessee is aware of and understands its obligations to protect and conserve threatened and endangered species and to take all reasonable precautions to protect trees and natural habitat during maintenance and future operations and to restore the ground surface after completion of maintenance or other operations as near to its former condition as may be possible for protection against erosion.

### **11. Drug-Free Workplace**

The provisions of 48 C.F.R. § 52.223-6 (Drug-Free Workplace), as in effect as of the Commencement Date and as the same may be amended from time to time throughout the Term, is hereby incorporated into this Lease. Lessee (referred to below as the "Contractor") agrees to comply with the following in connection with the performance of its obligations under this Lease (referred to below as the "contract"):

#### **A. Drug-Free Workplace (MAY 2001)**

##### **1. Definitions. As used in this clause—**

*Controlled substance* means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined in regulation at 21 C.F.R. §§ 1308.11–1308.15.

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.

*Drug-free workplace* means the site(s) for the performance of work done by the Contractor in connection with a specific contract where employees of the Contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

*Employee* means an employee of a Contractor directly engaged in the performance of work under a Government contract. *Directly engaged* is defined to include all direct cost employees and any

other Contractor employee who has other than a minimal impact or involvement in contract performance.

*Individual* means an offeror/contractor that has no more than one employee including the offeror/contractor.

2. The Contractor, if other than an individual, shall—within 30 days after award (unless a longer period is agreed to in writing for contracts of 30 days or more performance duration); or as soon as possible for contracts of less than 30 days performance duration—

B. Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

C. Establish an ongoing drug-free awareness program to inform such employees about—

1. The dangers of drug abuse in the workplace;
2. The contractor's policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

D. Provide all employees engaged in performance of the contract with a copy of the statement required by subparagraph (b)(1) of this clause;

E. Notify such employees in writing in the statement required by subparagraph (b)(1) of this clause that, as a condition of continued employment on this contract, the employee will—

1. Abide by the terms of the statement; and
2. Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 days after such conviction.

F. Notify the Contracting Officer in writing within 10 days after receiving notice under subdivision (b)(4)(ii) of this clause, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

G. Within 30 days after receiving notice under subdivision (b)(4)(ii) of this clause of a conviction, take one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

1. Taking appropriate personnel action against such employee, up to and including termination;
- or

(ii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

H. Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs (b)(1) through (b)(6) of this clause.

1. The Contractor, if an individual, agrees by award of the contract or acceptance of a purchase order, not to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while performing this contract.

2. In addition to other remedies available to the Government, the Contractor's failure to comply with the requirements of paragraph (b) or (c) of this clause may, pursuant to FAR 23.506, render the Contractor subject to suspension of contract payments, termination of the contract for default, and suspension or debarment.

## **12. Non-Discrimination**

During the term of this Lease, Lessee agrees as follows:

A. Lessee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. Lessee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation and selection for training, including apprenticeship. Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Government setting forth the provisions of this nondiscrimination clause.

B. Lessee shall, in all solicitations or advertisements for employees placed at Leased Premises by or on behalf of Lessee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

C. Lessee shall send to each labor union or representative of workers with which it has a collective bargaining agreement Lease or other contract or understanding a notice to be provided by Government, advising the labor union or worker's representative of Lessee's commitments under this equal opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. Lessee shall comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and of the rules, regulations and relevant orders of the Secretary of Labor.

E. Lessee shall furnish all information and reports required by Executive order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and of the rules, regulations and relevant orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records and accounts by Government and the Secretary of Labor for purposes of investigating to ascertain compliance with such rules, regulations and orders.

F. In the event of Lessee's noncompliance with the equal opportunity clause of this Lease or with any of said rules, regulations or orders, this lease may be canceled, terminated or suspended in whole or in part and Lessee may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive order 11375 of

October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, or by rule, regulation or order of the Secretary of Labor, or otherwise provided by law.

G. Lessee will include the above provisions in every sublease unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, so that such provisions will be binding upon each sub lessee. Lessee will take such action with respect to any sub lessee as Government may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event Lessee becomes involved, or is threatened with litigation with sub lessee as a result of such direction by Government, Lessee may request the United States to enter into such litigation to protect the interest of the United States.

H. This Lease, to the extent that it is a contract of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) and is not covered by the Walsh-Healy Public Contracts Act (41 U.S.C. 35-45), is subject to the following provisions and exceptions of said Contract Work Hours and Safety Standards Act and to all other provisions and exceptions of said law

1. Lessee shall not require or permit any laborer or mechanic in any workweek in which he is employed on any work under this Lease to work in excess of 40 hours in such work week on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 40 hours in such work week. The "basic rate of pay", as used in this clause, shall be the amount paid per hour, exclusive of Lessee's contribution or cost for fringe benefits and any cash payment made in lieu of providing fringe benefits or the basic hourly rate contained in the wage determination, whichever is greater.

2. In the event of any violation of the provision of Article 18.H.1, Lessee shall be liable to any affected employee for any amounts due, and to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of Article 18.2.1 in the sum of ten \$10.00 for each calendar day on which such employee was required or permitted to be employed on such work in excess of the standard work week of 40 hours without payment of the overtime wages required by paragraph 18.2.1.

I. In connection with the performance of work required by this Lease, Lessee agrees not to employ any person undergoing a sentence of imprisonment at hard labor.

J. Lessee shall comply with all Federal, state and local laws applicable to the Lessee as owner or lessee, or both, of the building or premises, including, without limitation, laws applicable to the construction, ownership, alteration or operation of both or either thereof, and will obtain all necessary permits, licenses and similar items at Lessee's expense. The Government will comply with all Federal, state and local laws applicable to and enforceable against it as a tenant under this lease; provided that nothing in this lease shall be construed as a waiver of any sovereign immunity of the Government. This lease shall be governed by Federal law.

K. At any time and from time to time after receipt of an offer (until the same has been duly withdrawn or rejected), after acceptance thereof and during the term, the agents, employees and contractors of the Government may, upon reasonable prior notice to Lessee, enter upon the offered premises or the premises, and all other areas of the property access to which is necessary to accomplish the purposes of entry, to determine the potential or actual compliance by the Lessee with the requirements of the solicitation or this lease, which purposes shall include, but not be limited to:

1. Inspecting, sampling and analyzing suspected asbestos-containing materials and air monitoring for asbestos fibers;

2. Inspecting the heating, ventilation and air conditioning system, maintenance records, and mechanical rooms for the offered premises or the premises;
3. Inspecting for any leaks, spills, or other potentially hazardous conditions which may involve tenant exposure to hazardous or toxic substances; and
4. Inspecting for any current or past hazardous waste operations, to ensure that appropriate mitigative actions were taken to alleviate any environmentally unsound activities in accordance with Federal, State and local law.

Nothing in this clause shall be construed to create a Government duty to inspect for toxic materials or to impose a higher standard of care on the Government than on other lessees. The purpose of this clause is to promote the ease with which the Government may inspect the building. Nothing in this clause shall act to relieve the Lessee of any duty to inspect or liability which might arise as a result of Lessee's failure to inspect for or correct a hazardous condition.

13. This lease shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors and assigns.





Timothy Horne - 8P <tim.horne@gsa.gov>

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## Jeffco.Lakewood HHS.GSA Ltr.docx

1 message

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Kathy Hodgson <KatHod@lakewood.org>

Mon, Jan 22, 2018 at 12:46 PM

To: Horne Tim <tim.horne@gsa.gov>

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### 2 attachments



Jeffco.Lakewood HHS.GSA Ltr.docx

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ATT00001.txt

1K



January 19, 2018

Theresa Ritta, Assistant Secretary for Administration/Program Support  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Christopher Averill  
U.S. General Service Administration  
1800 F St., N.W.  
Washington, D.C. 20006

**Re: Denver Federal Center in Lakewood, Colorado**

Dear Ms. Ritta and Mr. Averill:

Thank you for your help in providing information to the elected representatives in Jefferson County and the City of Lakewood concerning the recent filing by the Colorado Coalition for the Homeless utilizing the McKinney-Vento Act. We remain encouraged that this filing will be resolved in a manner that is mutually beneficial to the homeless of Jefferson County as well as the effected businesses and other jurisdictions in the area.

As part of your deliberations, we would like to make you aware of a federal project that Jefferson County and the City of Lakewood are pursuing that we believe may require federally owned land to build on. As such, we believe that the 59 acres in question with the Colorado Coalition for the Homeless may be needed and should not necessarily be considered surplus.

As background, in May of 2017, U.S. Senator Cory Gardner introduced S. 1007, the Bureau of Land Management Relocation Act which directs the Department of Interior to submit a strategy and timeline to relocate the BLM Headquarters from Washington, D.C. to a location in the western United States. As a community that has a rich history of supporting federal jobs through the Denver Federal Center, and has an affordable cost of living and cost of doing business, we believe Lakewood is a prime location for the BLM relocation. In addition, we believe that Denver International Airport is another selling point for the area due to the number of direct, daily flights to the various regional federal offices in the west.

Jefferson County and the City of Lakewood are partnering to present a robust proposal to the Department of Interior which will include potential real estate for the project along with a variety of other data points. It is our understanding that the Secretary of Interior is very open to the idea of moving the BLM west and is open to considering the Denver-Metro Area as one of the potential options for relocation. And, the Denver Federal Center is a logical, if not desirable real estate option for this relocation.

We recognize that the 59 acres of land in the Denver Federal Center has a variety of entanglements, and, if even possible, there is a tedious process to remove the 59 acres of land from the GSA roles. However, we would be remiss if we did not alert you to this potential need and would respectfully request that this be included in your deliberations.

It is our hope that Jefferson County and the City of Lakewood can partner with the Colorado Coalition for the Homeless to find a solution for our homeless community as well as consider other uses for the site. We are confident that together we can find a resolution that creates a better, stronger future for our area.

Thank you for your consideration.

Please do not hesitate to contact either Jefferson County or the City of Lakewood if we can be of any assistance or provide any additional information.

Sincerely,

Libby Szabo, Commissioner  
Jefferson County

Adam Paul, Mayor  
City of Lakewood

Cc: U.S. Senator Cory Gardner  
U.S. Senator Michael Bennet  
U.S. Rep. Ed Perlmutter



William Morgan - 7PZB <william.morgan@gsa.gov>

## CCH FRAP\_HHS Application \_Den Fed Center (7-G-CO-0441-21-AJ)

37 messages

Ramirez, Telesforo (PSC/RLO/RPM) <Telesforo.Ramirez@psc.hhs.gov>

Fri, Dec 29, 2017 at 9:53 AM

To: "Kuhl T. Brown (kbrown@coloradocoalition.org)" <kbrown@coloradocoalition.org>

Cc: Toni Lewis <tlewis@coloradocoalition.org>, "don l. hartman" <dhartman@coloradocoalition.org>, "william.morgan@gsa.gov" <william.morgan@gsa.gov>

Mr. Brown:

Please see the attached deficiency letter related to CCH's application for the subject property. Please note, as stated in the attachment, your response is due by COB on Friday, January 12, 2018.

Thank you,

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

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7-G-CO-0441-21-AJ CCH Deficiency Letter 12.29.17.pdf  
173K

William Morgan - 7PZB <william.morgan@gsa.gov>

Sat, Dec 30, 2017 at 8:50 AM

<https://mail.google.com/mail/u/0/?ui=2&ik=4ed69fb00d&jsver=OeNArYUPo4g.en.&view=pt&cat=DFC-CCH-FOIA&search=cat&th=16147b41a1d1792e&siml=160a>



Ramirez, Telesforo (PSC/RLO/RPM) <Telesforo.Ramirez@psc.hhs.gov>  
To: "william.morgan@gsa.gov" <william.morgan@gsa.gov>

Fri, Jan 12, 2018 at 11:31 AM

William,

FYI, HHS has received an application amendment from the Colorado Coalition for the Homeless. Determination is due to applicant by Monday, January 22, 2018.

Thanks,

Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

 | [website](#) | [comments](#)



**From:** Ramirez, Telesforo (PSC/RLO/RPM) [<mailto:Telesforo.Ramirez@PSC.hhs.gov>]  
**Sent:** Friday, December 29, 2017 9:53 AM  
**To:** Kuhl T. Brown <[kbrown@coloradocoalition.org](mailto:kbrown@coloradocoalition.org)>  
**Cc:** Toni Lewis <[tlewis@coloradocoalition.org](mailto:tlewis@coloradocoalition.org)>; don I. hartman <[dhartman@coloradocoalition.org](mailto:dhartman@coloradocoalition.org)>;  
[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)  
**Subject:** CCH FRAP\_HHS Application \_Den Fed Center (7-G-CO-0441-21-AJ)  
**Importance:** High

[Quoted text hidden]

**William Morgan - 7PZB** <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>  
**To:** "Ramirez, Telesforo (PSC/RLO/RPM)" <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>

Fri, Jan 12, 2018 at 11:39 AM

Thank you for the update.

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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Efficiency

[Quoted text hidden]

**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>  
To: William Morgan - 7PZB <william.morgan@gsa.gov>

Wed, Jan 17, 2018 at 1:09 PM

Hi William,

Can you please send me a copy of the surplus determination for the subject property?

Thank you,

Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)



**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]

**Sent:** Friday, January 12, 2018 1:40 PM

**To:** Ramirez, Telesforo (PSC/RLO/RPM)

**Subject:** Re: FW: CCH FRAP\_HHS Application\_Den Fed Center (7-G-CO-0441-21-AJ)

<https://mail.google.com/mail/u/0/?ui=2&ik=4ed69fb00d&jsver=OeNArYUPo4g.en.&view=pt&cat=DFC-CCH-FOIA&search=cat&th=16147b41a1d1792e&siml=160a>



[Quoted text hidden]

**William Morgan - 7PZB** <william.morgan@gsa.gov>

Wed, Jan 17, 2018 at 1:32 PM

To: "Ramirez, Telesforo (PSC/RLO/RPM)" <Telesforo.Ramirez@psc.hhs.gov>

Telesforo,

I assume you are talking about the screening notice that was sent out on October 6th? I've attached it to this email. If this is not what you wanted let me know and we will do what we can to help. Thanks.

**William Morgan**  
**Project Manager**  
**General Services Administration**  
**Real Property Utilization and Disposal Division (7PZ)**  
**Denver Federal Center, Bldg. 41**  
**Lakewood, CO 80225**  
**817-307-7651**

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[Quoted text hidden]



**Homeless Notice - DFC 10-6-17.pdf**  
122K

**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>

Wed, Jan 17, 2018 at 1:37 PM

To: William Morgan - 7PZB <william.morgan@gsa.gov>

Is the property surplus? If so, on what date was it determined surplus?

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)





**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]  
**Sent:** Wednesday, January 17, 2018 3:32 PM

[Quoted text hidden]

[Quoted text hidden]

---

**William Morgan - 7PZB** <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>  
To: "Ramirez, Telesforo (PSC/RLO/RPM)" <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>

Wed, Jan 17, 2018 at 1:45 PM

Yes, it was determined surplus on September 9, 2016.

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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[Quoted text hidden]

---

**William Morgan - 7PZB** <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>  
To: "Ramirez, Telesforo (PSC/RLO/RPM)" <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>

Tue, Jan 23, 2018 at 9:13 AM

Tele,

Guessing the shutdown messed up your schedule like it did ours. Has a determination been made on the DFC property?

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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On Fri, Jan 12, 2018 at 11:31 AM, Ramirez, Telesforo (PSC/RLO/RPM) <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)> wrote:

[Quoted text hidden]

---

**Ramirez, Telesforo (PSC/RLO/RPM)** <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>  
To: William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>

Tue, Jan 23, 2018 at 9:14 AM

It will be sent out by COB. I will Cc you. -Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center



U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

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**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]

**Sent:** Tuesday, January 23, 2018 11:13 AM

**To:** Ramirez, Telesforo (PSC/RLO/RPM)

**Subject:** Re: FW: CCH FRAP\_HHS Application\_Den Fed Center (7-G-CO-0441-21-AJ)

[Quoted text hidden]

---

Ramirez, Telesforo (PSC/RLO/RPM) <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>

Tue, Jan 23, 2018 at 1:57 PM

To: "Kuhl T. Brown" <[kbrown@coloradocoalition.org](mailto:kbrown@coloradocoalition.org)>

Cc: "John Parvensky (jp@coloradocoalition.org)" <[jp@coloradocoalition.org](mailto:jp@coloradocoalition.org)>, William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>, "Ritta, Theresa (PSC/RLO/RPM)" <[Theresa.Ritta@psc.hhs.gov](mailto:Theresa.Ritta@psc.hhs.gov)>

Mr. Brown:

Please see the attached determination letter related to the subject application submitted by CCH.

Thanks,

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)



 **CCH Approval Letter.pdf**  
253K



---

**William Morgan - 7PZB** <william.morgan@gsa.gov>  
To: "Ramirez, Telesforo (PSC/RLO/RPM)" <Telesforo.Ramirez@psc.hhs.gov>

Fri, Jan 26, 2018 at 8:25 AM

Tele,

Is it possible for me to get a copy of the application?

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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[Quoted text hidden]

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**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>  
To: William Morgan - 7PZB <william.morgan@gsa.gov>

Fri, Jan 26, 2018 at 8:39 AM

Hi William,

Sure. It's going to take a number of emails. –Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services



Office: (301) 443-2603

Mobile: (b) (6)

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**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]  
**Sent:** Friday, January 26, 2018 10:26 AM  
**To:** Ramirez, Telesforo (PSC/RLO/RPM)  
**Subject:** Re: CCH FRAP\_HHS Application \_Den Fed Center (7-G-CO-0441-21-AJ)

[Quoted text hidden]

---

**3 attachments**

-  **CCH to HHS\_App Cover Letter & Chklist 12.21.17.pdf**  
145K
-  **CCH to HHS\_Application\_GSA\_7-G-CO-0441-21-AJ\_signed.1.pdf**  
2964K
-  **CCH to HHS\_Application\_x Exhibits - Pt I\_1A thru 3A5.pdf**  
10044K

---

**Ramirez, Telesforo (PSC/RLO/RPM)** <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>  
To: William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>

Fri, Jan 26, 2018 at 8:46 AM

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

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**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]  
**Sent:** Friday, January 26, 2018 10:26 AM  
**To:** Ramirez, Telesforo (PSC/RLO/RPM)  
**Subject:** Re: CCH FRAP\_HHS Application \_Den Fed Center (7-G-CO-0441-21-AJ)

Tele,

[Quoted text hidden]

[Quoted text hidden]

---

**3 attachments**

 **CCH to HHS\_Application\_x Exhibits - Pt II\_3C thru 5.pdf**  
16988K

 **CCH to HHS\_Attach A\_CCH Applicant Cert\_Signed 171221.pdf**  
114K

 **CCH to HHS\_Attach B\_CCH Board Resolution\_Signed\_171207.pdf**  
763K



---

**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>  
To: William Morgan - 7PZB <william.morgan@gsa.gov>

Fri, Jan 26, 2018 at 8:57 AM

The application was attached in the first three emails. Attached above is the application amendment. –Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

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**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]  
**Sent:** Friday, January 26, 2018 10:26 AM  
**To:** Ramirez, Telesforo (PSC/RLO/RPM)  
**Subject:** Re: CCH FRAP\_HHS Application \_Den Fed Center (7-G-CO-0441-21-AJ)

Tele,

[Quoted text hidden]

[Quoted text hidden]

**2 attachments**

CCH Response Letter\_7-G-CO-0441-21-AJ\_180112.pdf  
688K

Exhibit 10a. Falcon Structures Supplemental Info.pdf  
1956K

---

William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>  
To: "Ramirez, Telesforo (PSC/RLO/RPM)" <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>

Fri, Jan 26, 2018 at 8:58 AM

Thanks Tele. Looks like I've received them all.

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-307-7651

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Ramirez, Telesforo (PSC/RLO/RPM) <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>  
To: William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>

Fri, Jan 26, 2018 at 8:56 AM



Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)



**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]

**Sent:** Friday, January 26, 2018 10:26 AM

**To:** Ramirez, Telesforo (PSC/RLO/RPM)

**Subject:** Re: CCH FRAP\_HHS Application \_Den Fed Center (7-G-CO-0441-21-AJ)

Tele,

[Quoted text hidden]

[Quoted text hidden]

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**3 attachments**

 **CCH to HHS\_Attach C\_Environmental Questionnaire\_signed171221v1.pdf**  
957K

 **CCH to HHS\_Environmental Questions\_Exhibits C2 -3\_Part I.pdf**  
9952K

 **CCH to HHS\_Environmental Questions\_Exhibits C4-25\_Part II.pdf**  
6441K





DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center  
Rockville MD 20857

December 29, 2017

**Transmitted via Email**

Mr. John Parvensky  
President and CEO  
Colorado Coalition for the Homeless  
2111 Champa Street  
Denver, CO 80205

Re: Denver Federal Center  
Intersection of Union Boulevard and W. 4<sup>th</sup> Avenue  
Jefferson County, Lakewood, Colorado  
7-G-CO-0441-21-AJ

Dear Mr. Parvensky:

This in reference to the Title V Application received by this Department on December 22, 2017, from the Colorado Coalition for the Homeless ("Applicant"), for the public benefit conveyance of the above-referenced property for homeless assistance. We have reviewed your application and determined that further information and/or clarification is required with regard to several application items. As examples, the following deficiencies are noted:

(Please note that this may not be an exhaustive list of the all information needed to complete the application.)

**I. Description of the Applicant Organization**

1(E-1) – Applicant states the intention to work with other service providers in the operation of the proposed programs of use, but fails to specifically identify any such service providers. Please specifically identify any intended partnering organizations/agencies and provide documentation demonstrating organizational eligibility.

1(E-3) – Applicant provides letters of support, but does not provide documentation demonstrating actual commitment to partner in the operation of the proposed programs of use. Please provide commitment letters from each intended partnering organization/agency demonstrating the intention to partner in the operation of the proposed program of use and demonstrating the financial ability to operate the proposed program.

**II. Description of the Proposed Program**

3(A-3) – In Phase I, Applicant proposes to serve veterans, chronically homeless individuals with disabilities, homeless youth, and homeless seniors. How will Applicant provide the

stated services while ensuring the safety, security, and privacy of all clientele? What will be the male/female ratio?

Applicant anticipates the average length of stay for shelter participants to be four to six months. Is that anticipated average length of stay consistent with the Housing an Inclusive Denver plan?

Please describe how any partnering organizations/agencies will assist in the operation of the proposed program of use.

Please describe how the proposed integrated healthcare services will be tailored to meet the needs of the various subpopulations to be served.

Please provide more specific information related to proposed vocational services, including how Applicant intends to address barriers to employment.

In Phase II, Applicant proposes to replace the temporary structures with permanent structures for the purpose of permanent/transitional supportive housing. Will the emergency shelter be gradually moved to another location at that time? Please provide a post-transfer timeline of activities leading to the submission of a request to develop and utilize the property for the purpose of permanent supportive/transitional housing.

In terms of the proposed solar farm, Applicant proposes to use it as a job training program, providing transitional employment and long-term skills training on how to construct and maintain the solar farm. Will the solar farm be constructed after program participants have moved into the proposed structures? Who will provide training/oversight? What is involved in maintaining the solar farm?

3(A-5) – If Applicant is aware of precedent for the use of manufactured container housing, geodesic domes, and larger Sprung tent-like structures in similar programs, please provide related information. Additionally, please briefly present a list of pros and cons related to the use of such structures for the proposed program of use.

3(C-1) – What is Applicant's plan for readying the property to receive water services? In terms of the proposed structures, which will have running water and toilet/shower facilities?

Applicant states that the Sprung structures have been used as emergency housing and service facilities in several areas of disaster recovery, and as homeless facilities for establishments such as in Pai' olu Kaiaulu in Hawaii, and San Diego, California. Please describe the suitability of such structures for use in an environment such as exists in Denver, Colorado.

With regard to the proposed photovoltaic Solar Collection Farm, please provide more specific specifications (system type, panel type, number of panels, panel dimensions, and number of arrays). Additionally, please confirm the anticipated annual output.

3(C-2) – Please provide a timeline of post-transfer activities leading to the full utilization of the property for Phase I housing with services and the solar farm within twelve months.

3(E-4) – Please more completely describe the qualifications Applicant will seek when hiring additional staff (program director, case managers, mental health counselor, security personnel, intake and assessment staff, grounds keeping and maintenance staff, and food preparation staff.

Your response is due by COB on Friday, January 12, 2018, and should be submitted electronically to [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov). Should you have any questions or concerns, I can be contacted on (301) 443-2265 or at [Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov).

Sincerely,

Telesforo  
Ramirez-S

Digitally signed by Telesforo Ramirez-S  
DN: cn=US, o=U.S. Government, ou=HHS,  
ou=PSC, ou=People,  
0.9.2342.19200300.100.1.1=2000240772,  
cn=Telesforo Ramirez-S  
Date: 2017.12.29 11:48:11 -05'00'

Telesforo Ramirez III, Realty Specialist  
Federal Real Property Assistance Program  
Real Property Management Services  
Program Support Center

Cc: Morgan, William (GSA)





William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

**Contact From Colorado Coalition for the Homeless**

4 messages

**Walker - CDPHE, David** <david.walker@state.co.us>

Thu, Dec 28, 2017 at 9:58 AM

To: William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;, "John Kleinschmidt@gsa.gov" &lt;john.kleinschmidt@gsa.gov&gt;

Good Morning Will,

Happy Almost New Year!

I just wanted to let you know I received an email from Toni Lewis at the Colorado Coalition for the Homeless. She indicated that a Mr. Bill Windsor of Colorado Coalition for the Homeless wants to set up a meeting with CDPHE to talk about landfill cover maintenance requirements, potential routes for water and sewer lines and obtaining existing soil sample data for a portion of the property.

The meeting will be in early January. I think this is a good sign.

Do you have any updates regarding whether they are planning to take title to the property or if they are trying to lease the property?

No hurry on the response.

Thanks,

Dave

--

Professional Engineer I

Hazardous Waste Corrective Action Unit

**COLORADO****Hazardous Materials  
& Waste Management Division**

Department of Public Health &amp; Environment

P 303-692-3354 | F 303-759-5355

4300 Cherry Creek Drive South

Denver, CO 80246-1530

david.walker@state.co.us | [www.colorado.gov/cdphe/hm](http://www.colorado.gov/cdphe/hm)**William Morgan - 7PZB** <william.morgan@gsa.gov>

Tue, Jan 2, 2018 at 8:04 AM

To: "Walker - CDPHE, David" &lt;david.walker@state.co.us&gt;

Cc: "John Kleinschmidt@gsa.gov" &lt;john.kleinschmidt@gsa.gov&gt;, "Ramirez, Telesforo (PSC/REL/ESS)" &lt;Telesforo.Ramirez@psc.hhs.gov&gt;

Dave,

That is good to know due diligence is being completed. I am not the person to answer the lease vs. own question. Mr. Telesforo Ramirez with HHS would be the best person to ask since he is reviewing any applications. I've copied him on this email but his contact information is:

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-978-4239

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[Quoted text hidden]

Begin forwarded message:

**From:** William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>  
**Date:** January 2, 2018 at 8:04:15 AM MST  
**To:** "Walker - CDPHE, David" <[david.walker@state.co.us](mailto:david.walker@state.co.us)>  
**Cc:** "John.kleinschmidt@gsa.gov" <[john.kleinschmidt@gsa.gov](mailto:john.kleinschmidt@gsa.gov)>, "Ramirez, Telesforo (PSC/REL/ESS)" <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>  
**Subject:** Re: Contact From Colorado Coalition for the Homeless

[Quoted text hidden]

Ramirez, Telesforo (PSC/RLO/RPM) <[Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov)>  
To: William Morgan - 7PZB <[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)>

Tue, Jan 2, 2018 at 9:49 AM

Thanks

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

 | [website](#) | [comments](#)





**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]  
**Sent:** Tuesday, January 02, 2018 10:04 AM  
**To:** Walker - CDPHE, David  
**Cc:** [john.kleinschmidt@gsa.gov](mailto:john.kleinschmidt@gsa.gov); Ramirez, Telesforo (PSC/RLO/RPM)  
**Subject:** Re: Contact From Colorado Coalition for the Homeless

[Quoted text hidden]





William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

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## Construction under GSA/HHS

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William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

Thu, Dec 21, 2017 at 2:17 PM

To: Bill Windsor &lt;bwindor@coloradocoalition.org&gt;

Cc: Toni Lewis &lt;tlewis@coloradocoalition.org&gt;, Theresa Ritta &lt;Theresa.Ritta@psc.hhs.gov&gt;

### Stormwater related items:

If the property is conveyed, the new owner(s) would be responsible for complying with the City of Lakewood Municipal Separate Storm Sewer System (MS4) Permit requirements (see <http://www.lakewood.org>).

If the property remains in the GSA inventory and is leased to HHS, all of the following would be required however, future projects would be evaluated for additional minimum requirements on a case-by-case basis:

- During the design of a potential facility on this property, the designer will need to comply with the provisions of the Energy Independence and Security Act of 2007, Section 438 (EISA), and related provisions in the Denver Federal Center (DFC) MS4 permit (attached). This would apply to any facility where there will be 5,000 square feet or more of new impervious area. The designers would be required to mimic the pre-development hydrology. This could include modelling the hydrology of the site then designing on-site permanent stormwater BMPs to either infiltrate or contain and slowly release water from precipitation events.
- If construction dewatering will be required for the new facility, the agency and selected contractor will need to comply with the DFC Dewatering Permit (attached). This is a National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S Environmental Protection Agency (EPA) to GSA. The permit requires that groundwater pumped during construction be contained, sampled weekly, possibly treated, and released appropriately. The geotechnical investigation that the contractor would conduct to design the foundation of a new facility would determine whether construction dewatering would be required.
- If one or more acres of land will to be disturbed during construction of a new facility the agency and/or contractor will be required to submit a Notice of Intent (NOI) (see <https://www.epa.gov/npdes/electronic-notice-intent-enoi>) requesting authorization to discharge under the NPDES Construction General Permit (CPG). Permit coverage is required prior to commencement of construction. The NOI/CPG requires preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP specifies what BMPs will be used for stormwater pollution prevention, the inspection and maintenance of the site, polluted stormwater treatment methods, if necessary, how the site will be stabilized during and at the conclusion of construction, and how the stabilization method(s) will be maintained.
- During construction, and for the life of the facility, the agency would be expected/required to assist GSA in complying with the requirements of the DFC MS4 permit, in particular the requirements in Section 2.0. Note that GSA is responsible for complying with the MS4 permit issued to them. However, GSA expects all tenant agencies to comply with the applicable requirements of the permit. Section 2.1.8 of the permit addresses tenant compliance with the provisions of the MS4 permit.

William Morgan  
Project Manager  
General Services Administration  
Real Property Utilization and Disposal Division (7PZ)  
Denver Federal Center, Bldg. 41  
Lakewood, CO 80225  
817-978-4239

For Online Sales visit [realestatesales.gov](http://realestatesales.gov)

[Quoted text hidden]

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### 2 attachments



DFC Dewatering Permit.pdf  
60K



4/30/2018

GSA.gov Mail - Construction under GSA/HHS

 **DFC MS4 Permit.pdf**  
5320K



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; "the Act"),

**the General Services Administration**

is authorized to discharge wastewater from construction dewatering activities at the Denver Federal Center in Lakewood, Colorado, located in the SE ¼ of Section 9, T 4S, R 69W, at latitude 39°43'02"N and longitude 105°7'06" W, Jefferson County,

to the storm drain system entering McIntyre Gulch, tributary to the South Platte River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective January 1, 2015

This permit and the authorization to discharge shall expire at midnight, December 31, 2020

Signed this       day of

\_\_\_\_\_  
Authorized Permitting Official

Callie A. Videtich  
Acting Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance  
Title

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- 1.2. Description of Discharge Point(s)
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## 1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### 1.1. Definitions.

The *30-day (and monthly) average*, other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

The *7-day (and weekly) average*, other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

*Daily Maximum (Daily Max.)* is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period.

*Daily Minimum (Daily Min.)* is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

*Grab sample*, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

*Instantaneous measurement*, for monitoring requirements, is defined as a single reading, observation, or measurement.

*Composite samples* shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

- a. Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
- b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;
- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
- d. Continuous collection of sample with sample collection rate proportional to flow rate.

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

*Director* means the Regional Administrator of EPA Region 8 or an authorized representative.

*EPA* means the United States Environmental Protection Agency.

*Storm Water* means storm water runoff, snow melt runoff, and surface runoff and drainage.

*CWA* means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this permit the CWA may be referred to as "the Act".

*Sewage Sludge* is any solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

- 1.2. Description of Discharge Point(s). The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Field conditions and the operation and maintenance of the Federal Center storm sewer system may dictate that outfall locations be moved, deleted, or combined. Outfall locations may be combined or deleted or moved up to 1,320 feet consistent with the terms in Part 1.2.1, but new outfalls may not be added without modifying this permit. All outfalls discharge construction dewatering effluent to the storm drain which enters McIntyre Gulch.

Discharges at any location not authorized under an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act.

Outfall

Serial Number(s)

Location

001	Latitude: 39°43'1.91"N, Longitude: 105°6'37.72"W
002	Latitude: 39°43'1.17"N, Longitude: 105°6'40.97"W
003	Latitude: 39°42'56.55"N, Longitude: 105°6'51.20"W
004	Latitude: 39°42'56.24"N, Longitude: 105°6'57.34"W
005	Latitude: 39°42'55.91"N, Longitude: 105°6'56.15"W
006	Latitude: 39°42'53.88"N, Longitude: 105°7'5.19"W
007	Latitude: 39°42'52.64"N, Longitude: 105°7'26.85"W
008	Latitude: 39°42'52.67"N, Longitude: 105°7'24.93"W

1.2.1. Outfall Relocation. The outfalls listed in Part 1.2 may be moved from the established location without submittal of a permit modification provided all of the following conditions are satisfied:

1. The new outfall location is within 1,320 feet of the established outfall location;
2. The new outfall location is within the same drainage or immediate permitted receiving waterbody;
3. There is no change to affected landowners; and
4. Notification of the change in outfall location is provided to the Planning and Targeting Program at the address provided in Part 2.4 prior to any discharges to the new outfall location.

1.3. Specific Limitations and Self-Monitoring Requirements

1.3.1. Effluent Limitations - Outfalls 001, 002, 003, 004, 005, 006, 007, 008. Effective immediately and lasting through the life of this permit, the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below:

Effluent Characteristic	30-Day Average (a)	7-Day Average (a)	Daily Maximum (a)
Flow, mgd	n/a	n/a	Monitor only
Total Suspended Solids, mg/L	n/a	n/a	45
Oil and Grease, mg/L	n/a	n/a	10
BTEX, ug/L	n/a	n/a	100
Benzene, ug/L	n/a	n/a	5.0
1,1- Dichloroethane, ug/L	n/a	n/a	700
1,1 – Dichloroethylene (DCE), ug/L	n/a	n/a	7.0
Trichloroethylene (TCE), ug/L	n/a	n/a	5.0
1,1,1 – Trichloroethane (1,1,1-TCA), ug/L	n/a	n/a	200
Vinyl Chloride, ug/L	n/a	n/a	2.0
The pH of the discharge shall not be less than 6.5 and shall not be greater than 9.0 at any time			

a/ See Definitions, Part 1.1, for definition of terms.

- 1.3.2. **Self-Monitoring Requirements - Outfalls 001, 002, 003, 004, 005, 006, 007, 008.** At a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. Monitoring is only required for construction dewatering activities authorized under this permit and not for discharges from the municipal storm sewer system. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred.

Effluent Characteristic	Frequency (a)	Sample Type (a)
(b) Total Flow, mgd	Daily	Instantaneous
Total Suspended Solids, mg/L	Weekly	Grab
Benzene, ug/L	Weekly	Grab
BTEX, ug/L	Weekly	Grab
1,1-Dichloroethane, ug/L	Weekly	Grab
1,1-Dichloroethylene, ug/L	Weekly	Grab
Trichloroethylene (TCE), ug/L	Weekly	Grab
1,1,1-Trichloroethane, ug/L	Weekly	Grab
Vinyl Chloride, ug/L	Weekly	Grab
pH, s.u.	Weekly	Grab
(c) Oil and Grease, visual	Weekly	Visual

a/ See Definitions, Part 1.1, for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate (in million gallons per day) during the reporting period and the maximum flow rate observed (in mgd) shall be reported.

c/ A visual observation is required to determine whether there is a visible sheen in the effluent any time the facility discharges from the storm water retention pond. If a visible sheen is detected, a grab sample shall be taken immediately and analyzed in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

## 2. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- 2.1. **Representative Sampling.** Samples taken in compliance with the monitoring requirements established under Part 1.3.2 shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.
- 2.2. **Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Sludge monitoring procedures shall be those specified in 40 CFR 503, or as specified in the permit.
- 2.3. **Penalties for Tampering.** The Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both. Second conviction is punishable by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.
- 2.4. **Reporting of Monitoring Results.** Effluent monitoring results obtained during the previous quarter shall be summarized and reported on one Discharge Monitoring Report Form (EPA No. 3320-1), postmarked

no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part 4.), and submitted to the Planning and Targeting Program at the following address:

U.S. EPA, Region 8  
Policy, Information Management & Environmental Justice Program (8ENF-PJ)  
Attention: Director  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

- 2.5. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136, 40 CFR 503, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- 2.6. Records Contents. Records of monitoring information shall include:
- 2.6.1. The date, exact place, and time of sampling or measurements;
- 2.6.2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
- 2.6.3. The date(s) analyses were performed;
- 2.6.4. The time(s) analyses were initiated;
- 2.6.5. The initials or name(s) of individual(s) who performed the analyses;
- 2.6.6. References and written procedures, when available, for the analytical techniques or methods used; and,
- 2.6.7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- 2.7. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site.
- 2.8. Twenty-four Hour Notice of Noncompliance Reporting.
- 2.8.1. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 8, Site Assessment/Emergency Response Program at (303) 293-1788, and the State of Colorado at (303) 692-3500.

- 2.8.2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region 8, Technical Enforcement Program at (303) 312-6231 (8:00 a.m. - 4:30 p.m. Mountain Time) or the appropriate EPA State Program Manager, and the State of Colorado at (303)692-3500 (8:00 a.m. - 4:30 p.m. Mountain Time), by the first workday following the day the permittee became aware of the circumstances:
- 2.8.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part 3.7., Bypass of Treatment Facilities.);
  - 2.8.2.2. Any upset which exceeds any effluent limitation in the permit (See Part 3.8., Upset Conditions.); or,
  - 2.8.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
- 2.8.3. A written submission shall also be provided to the USEPA, Office of Enforcement, Compliance and Environmental Justice, and to the State of Colorado, within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
- 2.8.3.1. A description of the noncompliance and its cause;
  - 2.8.3.2. The period of noncompliance, including exact dates and times;
  - 2.8.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - 2.8.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 2.8.4. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 2.8.2. above, if the incident has been orally reported in accordance with the requirements of Part 2.8.2.
- 2.8.5. Reports shall be submitted to the addresses in Part 2.4., Reporting of Monitoring Results.
- 2.9. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part 2.4. are submitted. The reports shall contain the information listed in Part 2.8.3.
- 2.10. Inspection and Entry. The permittee shall allow the State or the Regional Administrator, or authorized representative (including an authorized contractor acting as a representative of the Administrator) upon presentation of credentials and other documents as may be required by law, to:
- 2.10.1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - 2.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - 2.10.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  - 2.10.4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

### 3. COMPLIANCE RESPONSIBILITIES

- 3.1. Duty to Comply. The permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The permittee shall give the director advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.
- 3.2. Penalties for Violations of Permit Conditions. The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis. EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517) and June 27, 1997 (62 Fed. Reg. 35037-35041). On February 13, 2004 (69 Fed. Reg. 7121-7127) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of March 15, 2004, for violations of the Act (including permit conditions) are given below:
- 3.2.1. Any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation.
- 3.2.2. Any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment for not more than 2 years, or both.
- 3.2.3. Any person who *knowingly* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment for not more than 6 years, or both.
- 3.2.4. Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- 3.2.5. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Where an administrative

enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$16,000 per violation, with a maximum amount not to exceed \$37,500. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$16,000 per day for each day during which the violation continues, with the maximum amount not to exceed \$187,500.

- 3.3. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 3.4. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 3.5. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.
  - 3.5.1 The permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:
    - 3.5.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
    - 3.5.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;
    - 3.5.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
    - 3.5.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).
  - 3.5.2. The permittee shall maintain a daily log in a bound notebook(s) containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the notebook shall include the following information:
    - 3.5.2.1. Date and time;
    - 3.5.2.2. Name and title of person(s) making the log entry;
    - 3.5.2.3. Name of the persons(s) performing the activity;
    - 3.5.2.4. A brief description of the activity; and,
    - 3.5.2.5. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the State of Colorado.

- 3.6. Removed Substances. Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and state regulations (i.e., 40 CFR 257, 40 CFR 258, 40 CFR 503) and in a manner so as to prevent any pollutant from entering any waters of the United States or creating a health hazard. **In addition, the use and/or disposal of sewage sludge shall be done under the authorization of an NPDES permit issued for the use and/or disposal of sewage sludge by the appropriate NPDES permitting authority for sewage sludge.** Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

3.7. Bypass of Treatment Facilities.

- 3.7.1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts 3.7.2. and 3.7.3.
- 3.7.2. Notice:
- 3.7.2.1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the USEPA, Technical Enforcement Program, and the State of Colorado.
- 3.7.2.2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 2.8., Twenty-four Hour Noncompliance Reporting, to the USEPA, Technical Enforcement Program, and the State of Colorado.
- 3.7.3. Prohibition of bypass.
- 3.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
- 3.7.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 3.7.3.1.2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
- 3.7.3.1.3. The permittee submitted notices as required under Part 3.7.2.
- 3.7.3.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 3.7.3.1.

3.8. Upset Conditions

- 3.8.1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part 3.8.2. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to

judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

- 3.8.2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 3.8.2.1. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - 3.8.2.2. The permitted facility was at the time being properly operated;
  - 3.8.2.3. The permittee submitted notice of the upset as required under Part 2.8., Twenty-four Hour Notice of Noncompliance Reporting; and,
  - 3.8.2.4. The permittee complied with any remedial measures required under Part 3.4., Duty to Mitigate.
- 3.8.3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 3.9. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- 3.10. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
  - 3.10.1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - 3.10.1.1. One hundred micrograms per liter (100 ug/L);
    - 3.10.1.2. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter 500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - 3.10.1.3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
    - 3.10.1.4. The level established by the Director in accordance with 40 CFR 122.44(f).
  - 3.10.2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - 3.10.2.1. Five hundred micrograms per liter (500 ug/L);
    - 3.10.2.2. One milligram per liter (1 mg/L) for antimony;
    - 3.10.2.3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,

3.10.2.4. The level established by the Director in accordance with 40 CFR 122.44(f).

#### 4. GENERAL REQUIREMENTS

- 4.1. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - 4.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,
  - 4.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.
  - 4.1.3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.
- 4.2. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- 4.3. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4.4. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- 4.5. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- 4.6. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- 4.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
  - 4.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  - 4.7.2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - 4.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,

- 4.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- 4.7.3. Changes to authorization. If an authorization under Part 4.7.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 4.7.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 4.7.4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- 4.8. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- 4.9. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- 4.10. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- 4.11. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, tribal or local laws or regulations.
- 4.12. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- 4.13. Transfers. This permit may be automatically transferred to a new permittee if:
- 4.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
- 4.13.2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

- 4.13.3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 4.13.2.
- 4.14. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- 4.15. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:
- 4.15.1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
- 4.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the State of Colorado and/or EPA for incorporation in this permit.
- 4.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- 4.15.4. Re-evaluation of Technology-Based Effluent Limits: Performance data demonstrate that the treatment system, while being properly operated and maintained, cannot meet technology-based effluent limits as predicted by the Best Professional Judgment (BPJ) analysis for this permit.
- 4.16. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.





William Morgan - 7PZB <william.morgan@gsa.gov>

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**Fwd: IMPORTANT: Fwd: Denver Federal Center - FW: Voice Message from 3039896441**

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Ritta, Theresa (PSC/RLO/RPM) <Theresa.Ritta@psc.hhs.gov>  
To: William Morgan - 7PZB <william.morgan@gsa.gov>

Tue, Mar 6, 2018 at 6:42 AM

Thanks William. He left that voice message here yesterday. Will keep you posted if we receive others. Thankfully, the majority of calls/emails we have received are simply residents voicing concerns and opposition to the project.

Have a great day!

Theresa Ritta

Office: (301) 443-6672

Mobile: (b) (6)

**From:** William Morgan - 7PZB [mailto:[william.morgan@gsa.gov](mailto:william.morgan@gsa.gov)]

**Sent:** Tuesday, March 06, 2018 8:35 AM

**To:** Ritta, Theresa (PSC/RLO/RPM); Ramirez, Telesforo (PSC/RLO/RPM)

**Cc:** Richard Stebbins - ZCR

**Subject:** Fwd: IMPORTANT: Fwd: Denver Federal Center - FW: Voice Message from 3039896441

Therresa,

Sharing a voicemail our FPS team received regarding the DFC 59 acres.

William Morgan

Project Manager

General Services Administration

Real Property Utilization and Disposal Division (7PZ)

Denver Federal Center, Bldg. 41

Lakewood, CO 80225

817-307-7651

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Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

**Re: FW: Denver Federal Center 59 Acres**

1 message

**Melvin Freeman - 7PZ** <melvin.freeman@gsa.gov>

Fri, Nov 3, 2017 at 11:39 AM

To: Kathy Hodgson &lt;KatHod@lakewood.org&gt;

Cc: Jay Hutchison &lt;JayHut@lakewood.org&gt;

Kathy/Jay,

I need modify my statement to let you know we just received an additional homeless application this morning, and the number is now up to three separate applicants. Thanks, Melvin

Melvin E. Freeman, CCIM

GSA, PBS Greater Southwest Region (7P)

819 Taylor Street, Rm. 11A00

Fort Worth, TX 76102

Tel: (817) 978-3856

Cell: (b) (6)

[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)**Our  
Priorities**

On Fri, Nov 3, 2017 at 11:16 AM, Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt; wrote:

Good Morning, Kathy and Jay.

GSA began homeless screening on 10/6 for the 59 acre parcel located on the DFC. HHS has received two separate expressions of interest and have issued deadlines for initial applications due to HHS by 12/26/17. If either of the applicants proposed program of use is deemed acceptable by HHS, the applicant will be given an additional 45 days to provide financial information to substantiate the viability of the proposed program. Once HHS receives this information, they will have an additional 25 days to review and make a determination of whether the entity qualifies for a homeless conveyance under the program.

That said, the first critical date will likely come in mid-January 2018, as HHS has 15 days from the application deadline of 12/26/17, to review the initial submissions. This is when I expect HHS to notify GSA if the proposed plan of use meets the initial criteria. If an applicants program of use is found to meet the criteria, it could be the end of March 2018 before we have a definitive decision from HHS. We are not at liberty to share the names of the applicants at this point, but at least one of the applicants has issued press releases in the local newspaper.

Below is the contact information for our primary POC at HHS:

**U.S. Department of Health and Human Services****Ms. Theresa Ritta****Program Manager, Federal Real Property Assistance Program****Real Property Management Services****Program Support Center****7700 Wisconsin Avenue, 10<sup>th</sup> Floor****Bethesda, MD 20814****Telephone: 301-443-6672****Email: [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov)**

If you have additional questions, please let me know. Thanks, Melvin

GSA, PBS Greater Southwest Region (7P)  
 819 Taylor Street, Rm. 11A00  
 Fort Worth, TX 76102  
 Tel: (817) 978-3856  
 Cell: (b) (6)  
[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)



**Our  
Priorities**



On Fri, Nov 3, 2017 at 10:11 AM, Kathy Hodgson <[KatHod@lakewood.org](mailto:KatHod@lakewood.org)> wrote:

Good morning Melvin,

Happy Friday.

Can you please provide an update to us?  
 See Jay's message below.

Thank you very much.

Kathy Hodgson

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**From:** Jay Hutchison  
**Sent:** Friday, November 03, 2017 8:35 AM  
**To:** Kathy Hodgson <[KatHod@lakewood.org](mailto:KatHod@lakewood.org)>  
**Subject:** Denver Federal Center 59 Acres

Kathy –

I wonder if Melvin Freeman can update us on the HHS process. As I recall homeless service providers have until today or early next week to express interest in the 59 acres of the Denver Federal Center. It would be helpful to receive an update:

1. Which, if any, homeless service providers have expressed interest in the 59 acres?
2. Who with HHS can the city keep in touch with while the HHS process is underway?

Thanks

Jay

**Jay N. Hutchison P.E.**

DIRECTOR OF PUBLIC WORKS

303.987.7900

470 S. ALLISON PARKWAY

LAKEWOOD CO 80226

WWW.LAKEWOOD.ORG



**Lakewood**  
Public Works

**Lakewood**



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Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

**Re: CCH proposal**

1 message

**Melvin Freeman - 7PZ** <melvin.freeman@gsa.gov>

Thu, Mar 8, 2018 at 8:59 AM

To: Kathy Hodgson &lt;KatHod@lakewood.org&gt;

Cc: Timothy Horne - 8P &lt;tim.horne@gsa.gov&gt;, Katherine Gates - 8A &lt;katherine.gates@gsa.gov&gt;, Bobby Babcock - 7A &lt;robert.babcock@gsa.gov&gt;, Richard Stebbins - ZCR &lt;richard.stebbins@gsa.gov&gt;, "Flavio Peres (PTA)" &lt;flavio.peres@gsa.gov&gt;, Ralph Conner &lt;ralph.conner@gsa.gov&gt;, James Ferracci &lt;james.ferracci@gsa.gov&gt;

Hi Kathy,

Thanks for reaching out to inquire about the current status of the DFC disposal action. Below is the latest information concerning our schedule for the homeless application and review process.

Dates are as follows:

Financial Plan (Phase 2) due to HHS - March 9<sup>th</sup>HHS determination due to CCH - March 24<sup>th</sup>CCH response to GSA letter due to HHS - April 1<sup>st</sup>

Please let me know if you have additional questions. Thanks, Melvin

Melvin E. Freeman, CCIM

GSA, PBS Greater Southwest Region (7P)

819 Taylor Street, Rm. 11A00

Fort Worth, TX 76102

Tel: (817) 978-3856

Cell: (b) (6)

[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)**Our  
Priorities**

On Wed, Mar 7, 2018 at 4:50 PM, Kathy Hodgson &lt;KatHod@lakewood.org&gt; wrote:

Hi Melvin,

I hope you are well. I am writing to see if you might be able to give me an update on the timeline/looming deadline for the HHS determination on the Denver Federal Center property.

As you can imagine, the property and proposal by CCH has created enormous interest in the community and no one seems to know when the actual determination will be made.

Any information you can provide would be helpful.

Thanks in advance Melvin.

Kathy

**Kathy Hodgson**

City Manager

CITY OF LAKEWOOD, COLORADO

5/9/2018

GSA.gov Mail - Re: CCH proposal

303.987.7050

480 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

[Lakewood.org](http://Lakewood.org)

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City Manager's Office

**Lakewood**



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Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

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**FW: Revised Response to GSA Letter RE Federal Center Station Property**

1 message

**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>

Mon, Apr 16, 2018 at 9:03 AM

To: "melvin.freeman@gsa.gov" &lt;melvin.freeman@gsa.gov&gt;

Cc: William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

Hi Melvin,

In reviewing our records, I didn't see that CCH's response to GSA's clarification paper was ever forwarded to you. It is attached above.

Thanks,

Tele

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)

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**From:** John Parvensky [<mailto:jp@coloradocoalition.org>]**Sent:** Friday, March 23, 2018 9:16 AM**To:** PSC RPB (PSC/RLO/RPMS)

5/2/2018

GSA.gov Mail - FW: Revised Response to GSA Letter RE Federal Center Station Property

**Cc:** John Parvensky

**Subject:** Revised Response to GSA Letter RE Federal Center Station Property

Ms. Ritta,

Please accept this attached revised response letter responding to the issues raised by Mr. Melvin Freeman at the General Services Administration as requested. An earlier version was inadvertently attached in the earlier email this morning.

Please contact me if you have questions or concerns. Thank you.

John Parvensky

President

Colorado Coalition for the Homeless

303.285.5204

[www.coloradocoalition.org](http://www.coloradocoalition.org)

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**4 attachments**



**REV CCH Response to GSA RE Federal Center 3.23.18.pdf**  
678K



**Official Development Plan recorded at Reception No. 2007108296.pdf**  
1730K



**Lakewood CCHFedCenter FactSheet.pdf**  
348K



**Attachments to Response to Freeman LTR 180322.pdf**  
4398K



March 22, 2018

Theresa Ritta  
Real Property Management Services  
U.S. Department of Health and Human Services  
VIA EMAIL

Re:

Response to GSA Letter dated February 14, 2018  
United States Marine Corps Reserve Center  
59 Acre Portion, Federal Center  
Intersection of Union Blvd. & W. 4th Ave.  
Lakewood, CO 80225  
7-G-CO-0441-21-AJ

Dear Ms. Ritta:

**The Colorado Coalition for the Homeless (CCH)** is submitting this response to the issues raised by Mr. Melvin E. Freeman of the General Services Administration pertaining to the CCH application to acquire the above referenced site in his letter dated February 14, 2018. We will respond to each issue raised by referencing the issue and providing our response.

**1. Non-conforming uses and Official Development Plan (ODP) requirements for federal agency.**

Mr. Freeman's statement seems to be in contradiction to the actual language in the ODP.

Section III.C of the ODP (see attachment) states that:

Subject to Section II.D.2, nothing in this ODP shall limit the United States from developing, or causing to be developed, the real property, or any portion thereof, owned by the United States for any purpose or in any way that the United States deems to be in its interest and, in doing so, the United States **shall only be required to comply with its responsibilities to consult with the City** pursuant to 40 U.S.C. Sec. 3312, as amended from time to time.

As such, the language cited by Mr. Freeman from 40 U.S.C. Sec. 3312 regarding zoning laws and laws relating to landscaping, et. al. is not binding on the Federal Government per the ODP.

The City of Lakewood has confirmed that it also views the requirements of Lakewood zoning during the period that the property is owned by the federal government and leased to CCH is limited and that, as we stated in our initial application, “any existing non-conforming uses as defined in the Lakewood Zoning Ordinance will be deemed permissible upon such transfer of fee title from federal ownership.” This is based on the current zoning ordinance in the City of Lakewood.

Attached please find a Fact Sheet created by the City of Lakewood and appended to its official website regarding the CCH proposed uses. On page 3, the City states the following:

- Lakewood has no authority to regulate the current or future use of the land as long as it is federally owned, and that means the city’s regulations don’t apply.
- If the 59 acres remain in federal ownership while allowing the homeless coalition to use it for its campus, Lakewood’s zoning and building codes will not apply. If the land is leased to the coalition, Lakewood’s zoning and building codes will not apply because the federal government will retain its ownership under a lease.
- If the homeless campus is developed and structures are built on the 59 acres when it is owned by the federal government and then the land is later sold, given or otherwise transferred to the coalition, **Lakewood’s zoning and building codes will not require the facilities to be upgraded at that time.** The zoning and building codes do not create an obligation for facilities to be upgraded because of a change in ownership. Today there remain numerous property developments and structures throughout Lakewood that existed before the current zoning and building codes, and those developments and structures remain legal.

Nevertheless, CCH has been consulting with the City of Lakewood regarding its Phase One and Phase Two uses in a manner similar to what would be required by the GSA. When CCH requests approval from HHS for our Phase Two use, we will provide a plan that is compliant with Lakewood Zoning for anything constructed once the property is transferred to CCH and the Lakewood Zoning Ordinance

2. p. 9 -To be clear, CCH must be a party to the State’s consent order even as a tenant under lease.

We agree with this statement: “To be clear, CCH must be a party to the State’s consent order even as a tenant under lease.” Nothing in our application suggests otherwise. CCH will of course adhere to the environmental conditions governing the property.

3. p.10 (8)(3) 1<sup>st</sup> Bullet point - There are no electrical or gas services "within the Federal Center" that are available for development of this site. Since GSA remains the owner of the property in fee, any utility easement must be approved by the agency prior to construction.

We recognize that there is currently no electrical or gas services "within the Federal Center" that are available for development of the site. As described in our application, Xcel Energy provided CCH with a Will-Serve letter and verbally confirmed there was existing electrical and gas service in multiple locations near the site. Xcel will determine where they will originate service to the surplus property based upon actual project engineering which will take place following confirmation of the approval of our application.

We acknowledge that both during the lease period and after deed transfer, any utility easement affecting Federal land must be approved by the GSA prior to construction. During Phase One, we would not expect any permanent easements, only temporary easements that would terminate upon termination of the lease. During phase two, we would request approval by GSA of any required easements.

4. p.29 (C) Phase One Use Proposal, Area .3 In reference to the RTD Detention Pond Easement, the statement "...which is designed to provide storm water detention and drainage for the surplus property" is false. Per the easement dated October 19, 2010, RTD reserves the right to require storm water participation fees from other parties that choose to utilize the detention pond within the drainage area depicted on Exhibit D of the easement. This area does not include any development north of 4th Avenue.

We agree that per the RTC Detention Pond Easement, RTD reserves the right to require storm water participation fees from other parties that choose to utilize the detention pond. However, under our Phase One proposal, we do not anticipate any additional storm water drainage to be required from Area 1 of the site, as existing drainage will be retained on the Surplus Property site as it currently is. If Phase Two is approved, we will negotiate with RTD regarding any participation fees and usage if additional drainage from Area 1 is required.

We do not claim in the cited description for Area 3 that the RTD Detention Pond will serve the area north of 4<sup>th</sup> Avenue. Our proposed Phase One and Phase Two uses for that area will not create additional storm water drainage requirements, as we propose leaving the existing land intact, placing the Solar Collector Farm ballasted on the existing covered landfill, with the remaining area left as open space for recreational use of the homeless residents. With no additional impervious surfaces proposed, no additional drainage should be required.

5. p.30 (C) Phase Two, Area 1:- The assumption that the RTD detention pond is designed to handle additional storm water created when developing the site within the RTD tracks is false. Also, the assumption that the Federal Government will agree to intake additional storm water into the existing system on the DFC affecting property outside the property under consideration is false.

We believe that our assumptions regarding storm water drainage are informed and correct. We understand that we will need to provide GSA with a full set of development plans and Civil Engineering calculations prior to the start of any new phase of Construction for their review and approval.

The RTD detention pond was designed to accept the storm drainage flow of the current site condition **and future** Commercial development envisioned by the City of Lakewood within Area 1 as defined in our Application. This is evidenced by:

- Attached Exhibit D “Regional Detention Pond Drainage Area at Federal Center”. All of our Housing and Supportive Services Developments in both Phase One and Phase Two are located within the Hatched area (Drainage Area to be served by the RTD Pond) of Exhibit D (attached) of the “Agreement between the General Services Administration and the Regional transportation District...” and also identified as “Basin B” in the pond design criteria.
- The attached pages 4 and 5 of the “Final Drainage Pond and Storm Water Facilities” (the RTD Pond) outlines the design criteria for the RTD pond. The Design Criteria of the pond anticipates and included capacity for **the future commercial development** of Basin B as part of the design of the RTD Pond.
- The 42 inch drainage culvert mentioned at the bottom of Page 4 to drain the anticipated demand of Basin B has been installed by RTD under their rail line. As outlined in the Design Criteria, it is designed and sloped to capture storm water flow from the portion of the Surplus Property South of West 4<sup>th</sup> Avenue.
- Our Civil Engineer James Godwin of Wilson and Company, Inc. Engineers and Architects states “This Basin “B” was designed with a very high coefficient for percent impervious; thus we believe that Basin B will not need to prepare a throttling pond. We believe that we can meet or minimize the flow rates as prescribed in the drainage study for our development. The undeveloped parcel, South of 4<sup>th</sup> Avenue extended, between the RTD tracks; has been analyzed in its full build-out condition”.
- The RTD Pond and an off-site drainage culvert located at the west side of the surplus property both currently drain into a portion of the Federal Center Private Drainage System that is partially located within the surplus property. Given that this portion of GSA’s private drainage system was designed to capture drainage from the planned future high density development located within the south side of West 4<sup>th</sup> Ave. portion of the surplus property via the RTD Pond we do anticipate that GSA will concur that our site engineering falls within the planed flows that the Private Drainage System was designed for.

However, if it is GSA's conclusion after review of civil engineering for Phase One and Phase Two that the proposed development will create additional storm water drainage into the existing system on the DFC site, AND the Federal Government will not agree to intake additional storm water into its existing system, the engineering for the development of the site can include additional on-site storm water detention and retention so that no additional impact on the existing DFC system will occur.

**6. Letter from Congresswoman Diane DeGette.**

Congresswoman Diane DeGette represents Congressional District One which includes portions of Jefferson County, the home County of the property and represents some of the population we hope to serve in our development. While the Denver Federal Center is within the City of Lakewood, it is a Federal facility providing regional employment and facilities, and it is a resource that is of interest to the entire Metro Denver area.

We have included letters of support from Governor Hickenlooper and the Executive Director of the Department of Local Affairs, which represent the whole state, including the Federal Center Site.

7. p.50 4.(A) Block D - An assumption that there will be unrestricted access to existing storm water systems is false.

We have addressed this comment in #5 above. Our development plan does not anticipate any need for "unrestricted access" to the RTD Detention Pond or the Federal Center Private Federal Center Storm Water system. Even when fully developed in Phase Two, the amount of storm water flow from the Surplus property will not be significantly greater than its existing flow because:

Large segments of the surplus property are currently impermeable with asphalt and concrete surfaces.

- Our Phase Two development will be constructed under City of Lakewood building code that includes project storm water detention.
- Both our Phase One Development and Phase Two development will likely be less dense and less permeable than what the RTD and Private Federal Center Storm Water System were designed for.

8. p.51 4.(A) Area 3: - An assumption that there will be unrestricted access to existing stormwater systems is false.

As addressed in #5 and #7 above, we are not assuming unrestricted access to the existing storm water systems. Since we are not proposing any new structures in Area 3, there will be no additional storm water drainage required from our proposed uses.

9. Exhibit 284 - Green Mountain Water and Sanitation District Letter - 11-30-11 p.2 3.  
Bullet Point - Statement is made by Green Mountain that sewer service will also

require the extension of sewers across the Denver Federal Center, along 7<sup>th</sup> Street. There are currently no such easements or agreements in place which would facilitate Green Mountain or any other outside party running sewer in this location. As fee owner, GSA must approve any proposed utility easements prior to construction. Any such proposal would need to be determined in the best interest of the government and appropriate acquisition of such easement agreement must be completed through Federal Regulations. Additionally, there are currently no plans to report this property excess.

Our Phase One development will tie-into water and sewer lines already installed to the RTD property under the existing “Water and Sewer Capacity and Utility Services Agreement” that grants Green Mountain service to the Surplus Property in all areas intended for our Residential Development in both Phase One and Phase Two. Per initial engineering studies, the existing Water and Sewer lines to the RTD site have sufficient capacity for our Phase One use of the surplus property.

Per “Memorandum No. 1 to the Water and Sewer Capacity and Utility Service Agreement” the potential service area was expanded to include additional future Commercial use and Research and Development use on the Federal Center property labeled as Area III. This includes future 3<sup>rd</sup> Party and Federal Center developments along 7<sup>th</sup> Street. It is our understanding that Green Mountain Water and Sanitation District has already installed a Sewer connection point at the Intersection of Main St. and 7<sup>th</sup> Street to accommodate the expanded scope of the modified agreement.

To address this concern however, as described in our second state application answers to Section 4, we have chosen Alternative “A” which ties water and sewer lines into an existing utility manhole at Second Avenue and Routt Street, rather than across the remaining Federal Center site at Main Street and 7<sup>th</sup>.

As mentioned above, we understand that GSA will need to review and approve all Utility Easements required on the Surplus Property as well as on other Federal property. We assume that such a request would be seen as consistent with GSA’s desire to develop the expanded Area III.

10. Exhibit 3A1- Housing an Inclusive Denver. The subject property is located in the City of Lakewood, not Denver. This document does not reference Lakewood as part of any planning.

We recognize that the referenced plan is for Denver rather than Lakewood. However, Lakewood does not have a similar plan for addressing homelessness. Given Denver’s position as the regional center and the area of greatest concentration of homelessness in the Metro Denver Area, we believe that this plan provides appropriate perspective on the housing and service needs for homeless persons in Metro Denver.

- 11. Exhibit Attachment C3** Per the State of Colorado Department of Public Health and Environment directive CCH will apply and must be approved under the Corrective Action Plan which covers the Northwest Corner Landfill. By the State's approval, CCH must comply with the full terms and conditions as set forth by the State.

We recognize that CCH must comply with the full terms and conditions as set forth by the State. CCH has met with the Colorado Department of Public Health and Environment (CDPHE) to review the requirements of the Corrective Action Plan in maintaining and working within the corner landfill area. We also discussed how the balance of the site was determined to be developable and how to address any sub-surface findings anywhere within the surplus property. We recognize and are prepared to work with CDPHE in a cooperative manner to manage any and all environmental matters within the Surplus Property. CDPHE indicated to us that CCH was the only non-governmental entity that reviewed the environmental issues with them prior to pursuing ownership and development.

- 12. p.9 Q.7.-** Any development on the subject property will require some level of storm water controls to be put in place. Any assumption that the current Denver Federal Center system has capacity to handle such water or that additional stormwater would be allowed, is false.

This issue has been addressed above in several places. CCH has no assumptions that permissions required by GSA will be automatically granted. We believe CCH and our Civil Engineer have conducted appropriate due-diligence to understand the existing systems and their capacity. Our plan is to design and work within that capacity and we will establish added storm water controls within the surplus property as needed to meet civil engineering requirements and standards.

Nevertheless, as previously discussed, if it is GSA's conclusion after review of civil engineering for Phase One and Phase Two that the proposed development will create additional storm water drainage into the existing system on the DFC site, AND the Federal Government will not agree to intake additional storm water into its existing system, the engineering for the development of the site can include additional on-site storm water detention and retention so that no additional impact on the existing DFC system will occur.

- 13. p.12 #16 - Ms.Cudahy, District Manager, Green Mountain** assumption that utilities currently serving the DFC, located at the intersection of Main Ave. and South 8<sup>th</sup> St., will be available for use for this property, is false.

We cannot speak to "assumptions", if any, by Green Mountain and its staff; however, we can confirm that CCH conducted extensive due diligence in preparing our application for the surplus property. Green Mountain's Will-Serve Letter appears to be consistent with the terms of "Memorandum No. 1 to the Water and Sewer Capacity and Utility Service

Agreement". However, as discussed in our response to #9 above, to address this concern, as described in our second state application answers to Section 4, we have chosen Alternative A which ties water and sewer lines into an existing utility manhole at Second Avenue and Routt Street, rather than across the remaining Federal Center site at Main Street and 7<sup>th</sup>. This minimizes any impact on the remaining Federal land.

We hope this adequately addresses any issues or concerns raised by Mr. Freeman and the GSA.

Should you have any questions or need additional information, please contact me at 303.285.5204 or [jp@coloradocoalition.org](mailto:jp@coloradocoalition.org). Thank you for your consideration to this request.

Sincerely yours,

(b) (6)

A large black rectangular redaction box covers the signature area.

John Parvensky  
303.285.5204

AGREEMENT BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE  
REGIONAL TRANSPORTATION DISTRICT  
FOR DESIGN, CONSTRUCTION AND MAINTENANCE OF A DETENTION POND AT  
THE DENVER FEDERAL CENTER IN JEFFERSON COUNTY, COLORADO

This Detention Pond Agreement dated this 14 day of October, 2010 (this Agreement), is by and between the General Services Administration (GSA) an agency of the United States of America and the Regional Transportation District (RTD), a political subdivision of the State of Colorado for the purposes of outlining the terms for grant of a permanent easement for operation and maintenance of a detention pond on a portion of the Denver Federal Center in the City of Lakewood (the City), Jefferson County, Colorado (the Federal Center). GSA and RTD may also be referred to herein as a "Party" or collectively as the "Parties."

RECITALS

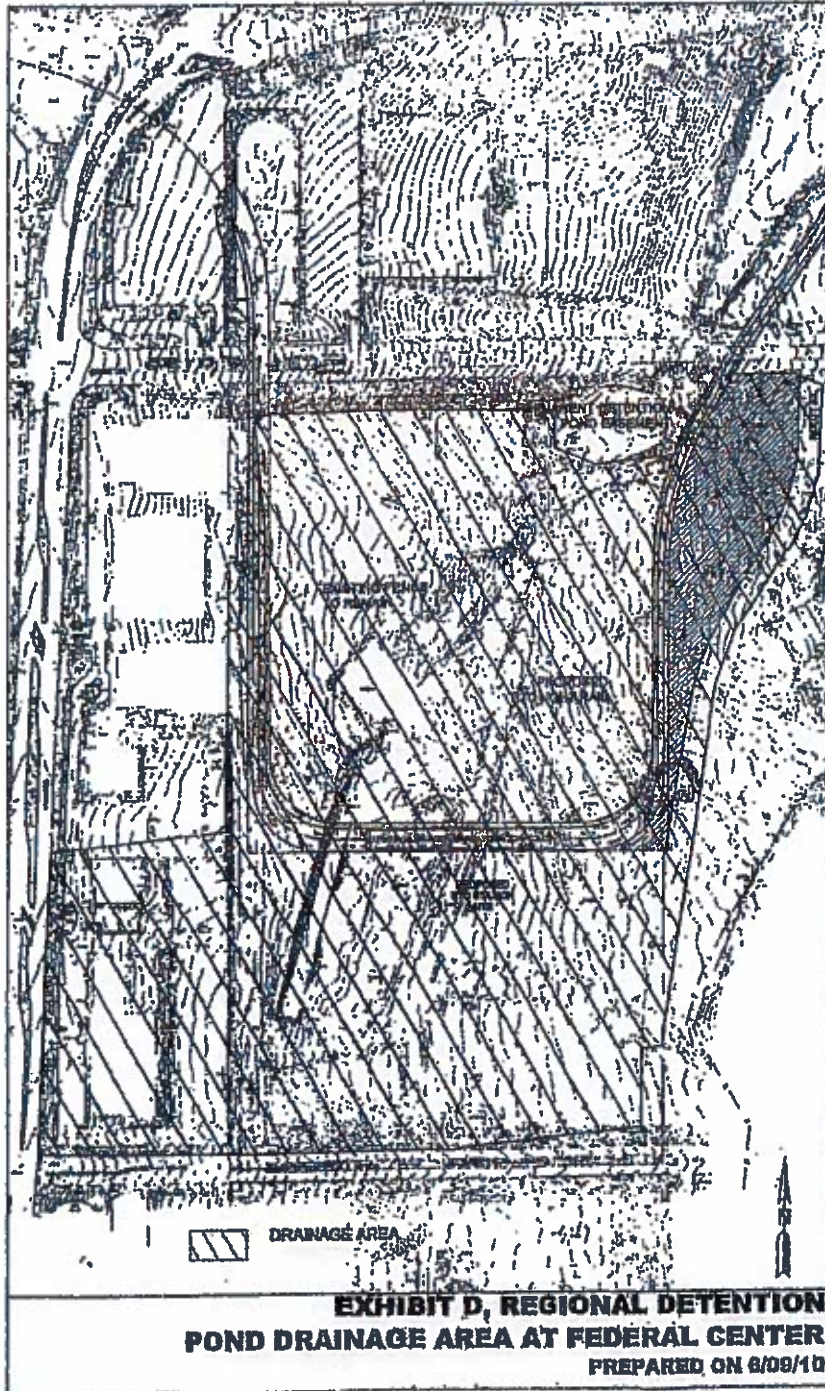
A. RTD is constructing a light rail project from downtown Denver, Colorado, to Jefferson County, Colorado, as substantially described by a Final Environmental Impact Statement issued in August of 2003, and adopted by a Record of Decision issued by the Federal Transit Administration on April 18, 2004 (the West Corridor). A Revised Environmental Assessment was approved on November 18, 2007 along with a Finding of No Significant Impact (FONSI) also on November 18, 2007. One station and a portion of the light rail line will be on property owned by GSA. Related parking and a bus transfer facility will be located on property sold by GSA to the City and transferred to RTD (the RTD Property) pursuant to a Purchase and Sale Agreement dated June 18, 2007, between the City and RTD. The sale and transfer occurred on September 18, 2007.

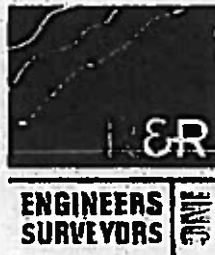
Property previously acquired from GSA and transferred to RTD is described in the Offer to Purchase (OTP) from GSA to the City executed on June 4, 2007, and incorporated herein by this reference. All terms and definitions used in the OTP shall have the same meaning in this Agreement as contained therein.

B. The RTD Property does not include property sufficient to build and operate a detention pond to serve the RTD Property, portions of the Federal Center and local vicinity.

C. The Parties entered into a Project Agreement for construction of a portion of the West Corridor and other improvements at the Federal Center on February 4, 2010 (the Project Agreement). Section 9 of the Project Agreement provided that GSA may allow RTD to build a regional detention pond on GSA property (the Detention Pond).

D. GSA has agreed to allow RTD to construct the Detention Pond as part of the West Corridor on GSA property as depicted on Exhibit A (the Detention Pond Permanent Easement), and to provide a permanent easement to RTD for the





**FINAL DRAINAGE REPORT**

**FOR**

**REGIONAL DRAINAGE POND AND STORM WATER FACILITIES  
FEDERAL CENTER PARK AND RIDE  
CITY OF LAKEWOOD  
COUNTY OF JEFFERSON  
COLORADO**

**PREPARED FOR:  
RTD FAST TRACKS  
1560 BROADWAY  
SUITE 700  
DENVER CO 80202  
CONTACT: PAUL F.J. VON FAY, P.E.  
(303) 299-2317**

**PREPARED BY:  
R & R ENGINEERS - SURVEYORS, INC.  
710 WEST COLFAX AVENUE  
DENVER, CO 80204  
CONTACT: DOUGLAS S. DUNKIN, P.E.  
(303) 753-6730  
JOB # CE09015**

**AUGUST 7<sup>TH</sup>, 2009  
REVISED OCTOBER 20<sup>TH</sup>, 2009**

respectively. Runoff was determined to be 20.66cfs and 42.87cfs for the minor and major storms for Basin OS-1.

### **III. PROPOSED DRAINAGE SYSTEM**

#### **A. Criteria**

The design storms for this site are the minor (5-year) and major (100-year) events. Peak runoff values were calculated using the rational method:

$Q = CIA$ , where

$Q$  = Storm runoff in cubic feet per second (cfs)

$C$  = Rainfall coefficients - ratio runoff to rainfall

$I$  = Rainfall intensity in inches per hour

$A$  = Drainage area in acres

The 1-hour point rainfall values and runoff coefficients " $C$ " are taken from the City of Lakewood Storm Drainage Criteria Manual. A Composite " $C$ " value has been calculated for each basin. Time of Concentration ( $T_c$ ) and Rainfall Intensities were calculated based on UDFCD equations, the UDFCD Velocity Chart and the City of Lakewood IDF Charts. The 5-year (minor) and 100-year (major) frequency runoff rates for developed conditions are summarized in the Appendix.

#### **B. Runoff**

Basins A, B, C and OS-1 will be routed and detained in the regional detention pond. The developed portion of Routt Street, Basin OS-2, will be released un-detained. All basins are described in detail below.

Basin A has a total area of 14.38 acres and consists of a vacant lot. The proposed development for this site will include a park and ride parking lot, bus loop, light rail platform and landscaping. The developed percent impervious and runoff coefficient for this site have been assumed to be 95% and 0.93 and 0.88 for the major and minor storms. These values are per the City of Lakewood Criteria for commercial areas. The calculated runoffs for the minor, 5-year and major, 100-year storms from this basin are 53.39cfs and 110.76cfs respectively. Runoff from this basin is anticipated to be captured by onsite storm sewer system which will be routed to the 42" storm sewer stub at Design Point 1.

Basin B has a total area of 23.25 acres and consists of a vacant lot. The proposed development for this site will include future commercial pads. The developed percent impervious and runoff coefficient for this site have been assumed to be 95% and 0.93 and 0.88 for the major and minor storms. These values are per the City of Lakewood Criteria for commercial areas. The calculated runoffs for the minor, 5-year and major, 100-year storms from this basin are 86.24cfs and 178.91cfs respectively. Developed runoff from this basin will be routed via the future development design. A 42" RCP will be laid under the future light rail tracks to provide developed release from this basin into the proposed pond at Design Point 2. Portions of the historic runoff from this basin run into the local depression described in the Section B of the site

description. The future developer of the GSA basin will be required to maintain this runoff in its quantity while directing the remaining developed runoff into the regional detention pond. The future developer of Basin B will also be required to construct a forebay for this basin.

Basin C has a total area of 3.52 acres and consists of a vacant lot. The proposed development for this site will include the regional detention pond. The developed percent impervious and runoff coefficient for this basin have been calculated to be 55.6% and 0.59 and 0.80 for the major and minor storms. The calculated runoffs for the minor, 5-year and major, 100-year storms from this basin are 7.60cfs and 20.25cfs respectively. Runoff from this basin will contribute to the detention pond and outfall at the outlet structure at Design Point 4.

Basin OS-1 has a total area of 5.36 acres and consists of the Crown West commercial property. The developed percent impervious and runoff coefficient for this basin have been assumed to be 95% and 0.88 and 0.93 for the major and minor storms. Calculated runoffs for the minor, 5-year and major, 100-year storms from this area are 20.66cfs and 42.87cfs respectively. Runoff from this offsite basin will be routed through Basin A at Design Point 3 and into the 42" storm sewer stub at Design Point 1.

Basin OS-2 has a total area of 1.44 acres and consists of Routt St. between 2<sup>nd</sup> Place and North/4<sup>th</sup> Ave. east of the regional pond. Calculated runoffs for the minor, 5-year and major, 100-year storms from this area are 4.94cfs and 10.24cfs respectively. Runoff from this offsite basin will flow into two proposed storm sewer inlets located just south of the Routt Street and North Ave. intersection. These flows will enter the outfall pipe from the pond at Design Point 5 and then enter the existing concrete channel at Design Point 6, following historic drainage patterns.

#### C. Detention

The required water quality and detention volume for Basins A, B, C and OS-1 will be provided in the regional pond located in Basin C. The modified FAA method has been used to size the proposed pond for these basins. Per the City standards the regional pond will provide both water quality and 100 Year detention volume. Per the sizing calculations the proposed pond will provide the following capacity.

	Regional Pond	
	Volume (ac-ft)	Elevation
120% WQCV (ac-ft)	2.01	5650.7
5-Yr (ac-ft)	5.31	5652.7
100-Yr (ac-ft)	7.26	5653.8
100-Yr + WQ (ac-ft)	8.94	5654.7

#### D. Open Channel Flow

There will not be any minor or major open channels on this site as required by RTD. All major 100-Year storm discharges for this site will be conveyed to the detention pond via underground storm sewer systems.

**MEMORANDUM OF AMENDMENT NO. 1 TO WATER AND SEWER  
CAPACITY AND UTILITY SERVICE AGREEMENT**

THIS MEMORANDUM OF AMENDMENT NO. 1 TO WATER AND SEWER CAPACITY AND UTILITY SERVICE AGREEMENT ("**Memorandum**") is made and entered into as of this 14<sup>th</sup> day of September, 2009, by and between the Green Mountain Water and Sanitation District (the "**District**"), Catholic Health Initiatives Colorado (the "**Hospital**"), a Colorado non-profit corporation, and the United States of America, acting by and through the Administrator of General Services and authorized representatives ("**GSA**").

W I T N E S S E T H:

WHEREAS, the District, the Hospital and GSA have entered into a Water and Sewer Capacity and Utility Service Agreement dated as of April 19, 2007 (the "**Agreement**"), which was subsequently amended by Amendment No. 1 thereto dated as of September 14, 2009 (the "**Amendment**"), and the District, the Hospital and GSA desire to enter into this Memorandum to be recorded in order that third parties will have notice of the existence of the Amendment and certain terms thereof; and

WHEREAS, the Amendment concerns the land generally located north of Alameda Avenue, west of Kipling Parkway, south of Sixth Avenue, and east of Union Boulevard in Jefferson County, Colorado (the "**Property**").

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by the Hospital and GSA to the District, the receipt and sufficiency of which are hereby acknowledged, the District, the Hospital and GSA hereby agree that the Hospital shall record this Memorandum in the land records of Jefferson County, Colorado, against the real property located in Planning Area I as depicted on Exhibit C, which is attached hereto, to the Agreement, as amended.

IN WITNESS WHEREOF, on the date first above written, the District, the Hospital and GSA have caused this Memorandum to be executed on their behalf.

*[signatures on following page]*

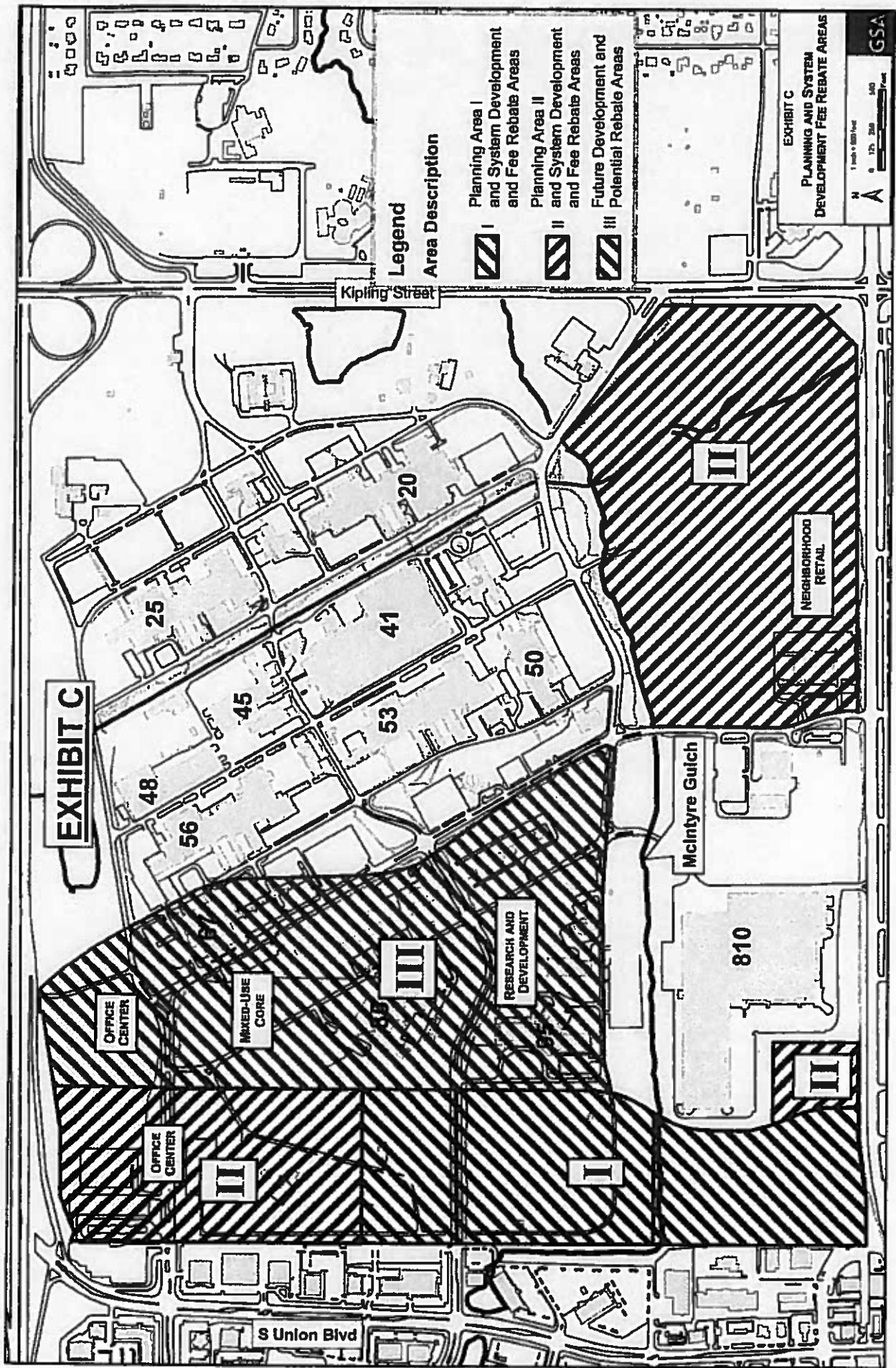


EXHIBIT C

Legend  
Area Description




-  Planning Area I  
and System Development  
and Fee Rebate Areas
-  Planning Area II  
and System Development  
and Fee Rebate Areas
-  Future Development and  
Potential Rebate Areas

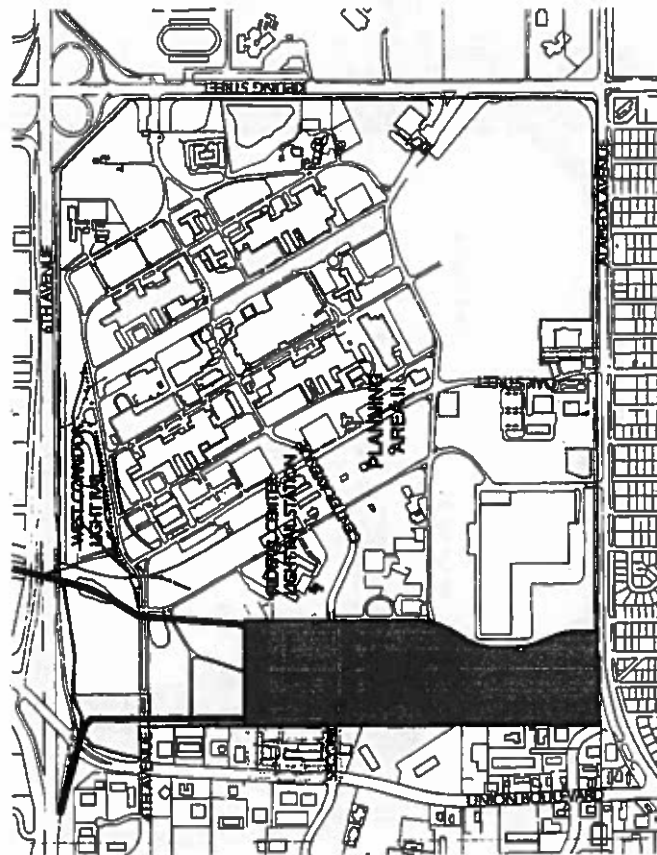
EXHIBIT C  
PLANNING AND SYSTEM  
DEVELOPMENT FEE REBATE AREAS

1 inch = 500 feet  
0 125 250 500  
N  
GSA

RECEPTION NO. 2007104296

**DENVER FEDERAL CENTER  
OFFICIAL DEVELOPMENT PLAN**

TO THE CITY OF LAKEWOOD STATE OF COLORADO  
A PORTION OF SECTIONS 8, 9, AND 10, TOWNSHIP 4 SOUTH RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
COUNTY OF JEFFERSON, STATE OF COLORADO



### VICINITY MAP

SCALE 1" = 500'-0"

## SHEET INDEX

1. COVER SHEET
2. PHYSICIAN STUDIES / HOSPITAL, PHYSICIAN
3. LANDSCAPE PLAN / HOSPITAL
4. LANDSCAPE DETAILS
5. LANDSCAPE SECTIONS
6. PHYSICIAN STUDIES / HOSPITAL
7. PHYSICIAN STUDIES / HOSPITAL, PHYSICIAN
8. LANDSCAPE PLAN / HOSPITAL
9. LANDSCAPE DETAILS
10. LANDSCAPE SECTIONS
11. PHYSICIAN STUDIES / HOSPITAL

## APPROVALS

## PLANNING COMPETITION

Approved by the City of Lakewood Planning Commission this 16<sup>th</sup> day of June, 2007.

**Chair:** [REDACTED] **Nature Questions**

**Secretary:** [REDACTED] (work phone)

## CITY OF ALBUQUERQUE

Approved by the City of Lakewood City Council this 9<sup>th</sup> day of July, 2007.

\_\_\_\_\_

)(

**60** **Memo Count**

## NEEDS-BASED CERTIFICATE

Accepted for recording in the Office of the County Clerk and Recorder of Jefferson County at Golden, Colorado, on this 20th day of September, 2007 at 12:05:30 o'clock P.M.

—

STC VENDOR UNIT

DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN  
KZ 49-401 \_\_\_\_\_ CNO. 303-24 49-001, 49-00  
SHEET 0111



Reception # 200710 8296

# DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN



St. Anthony  
Central Hospital  
Centura Health.

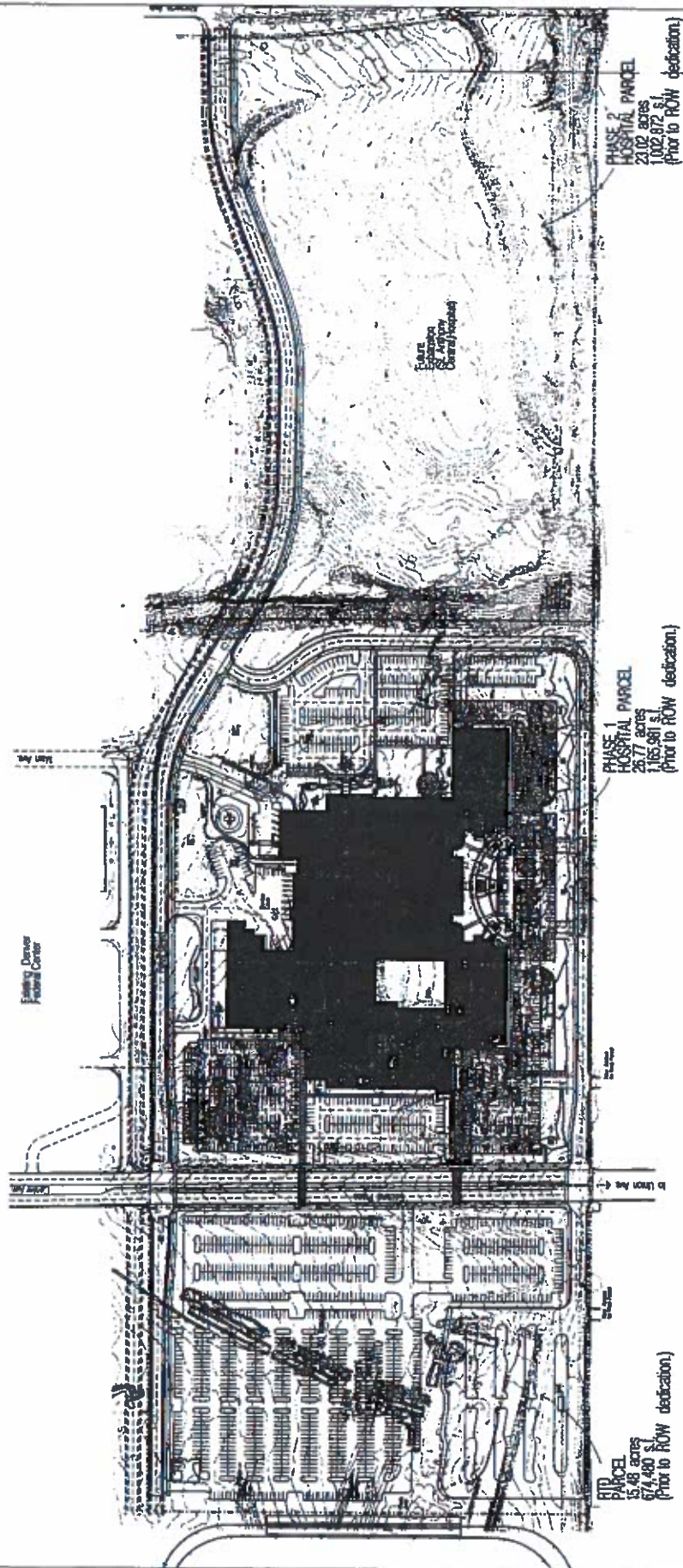
MASSING STUDY



DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN  
12-01-01 12-01-01 12-01-01  
SHEET 6 OF 11

Reception # 2007128296

# DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN



CONCEPTUAL SITE PLAN

SCALE: 1" = 100'-0" ±












DENVER FEDERAL CENTER  
OFFICIAL DEVELOPMENT PLAN

## FUTURE EXPANSION MASSING STUDY

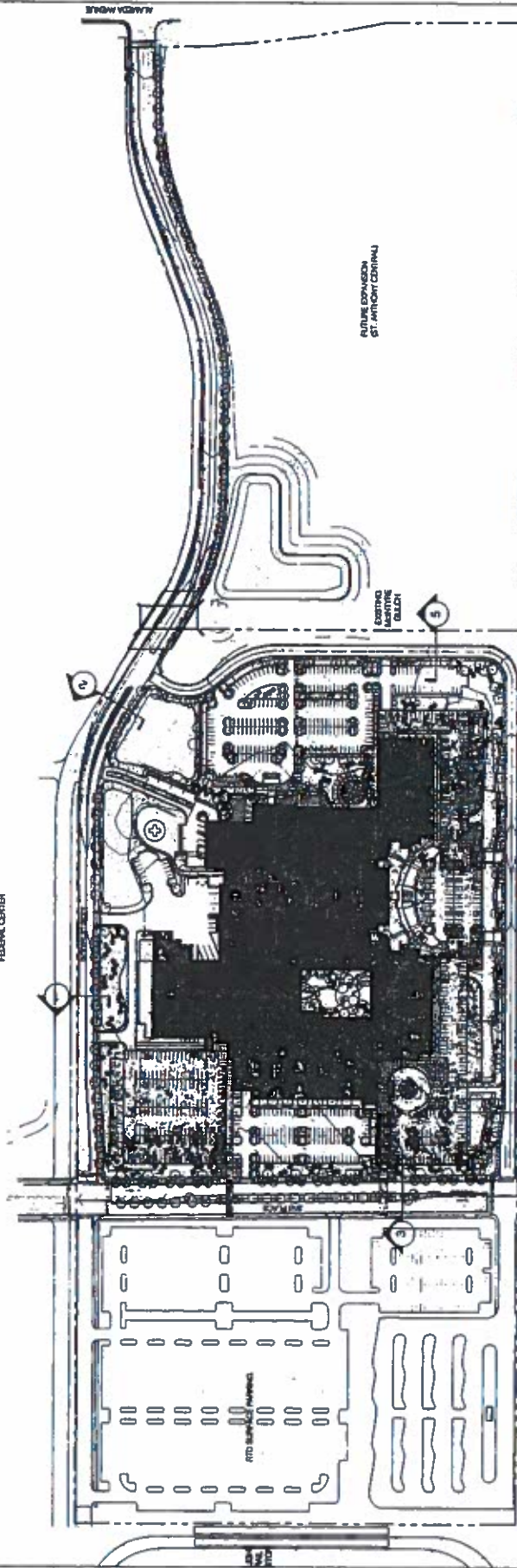
Reception # 2002108296

# DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN

## LANDSCAPE LEGEND

-  EVERGREEN TREE PLANTING
-  DECIDUOUS TREE PLANTING
-  ORNAMENTAL TREE PLANTING
-  SOLID AREA
-  GRASS AREA
-  SED. TYPE A
-  SED. TYPE B

EXISTING DENVER  
FEDERAL CENTER

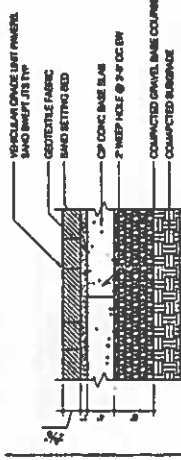


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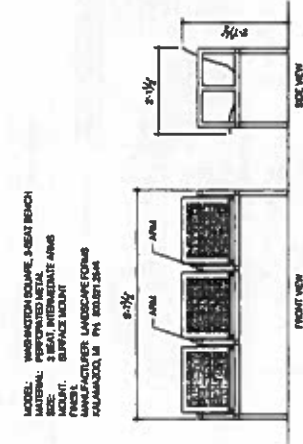
LANDSCAPE PLAN

DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN  
RZ-07-001  
OCT. 2007, 2nd  
49-001, 49-009  
SHEET 8 OF 11

Reception # 200708296

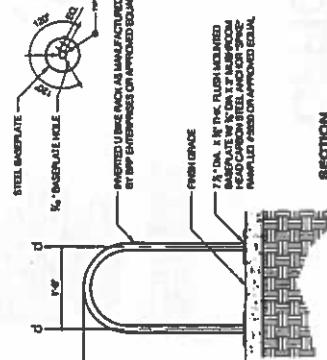


2	BRICK PAVERS- VEHICULAR GRADE
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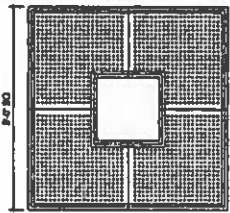


**BENCH**

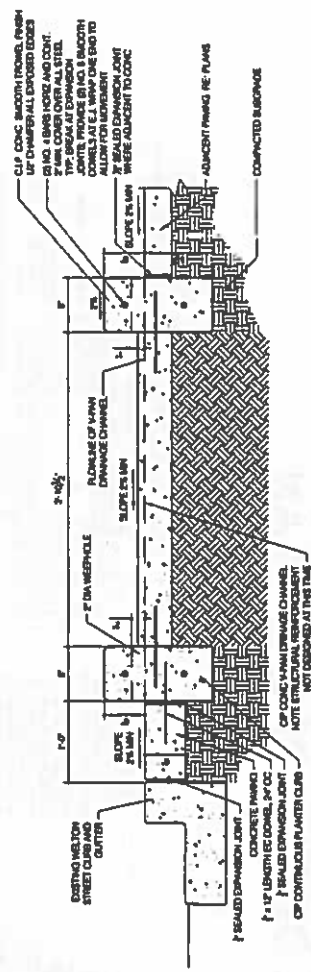
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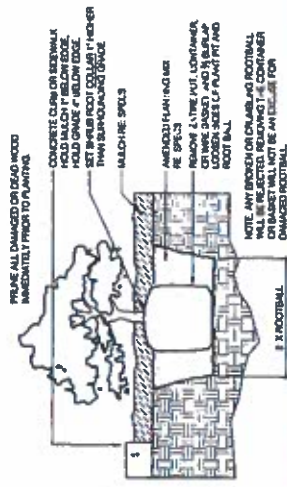
**TREE GRATE**



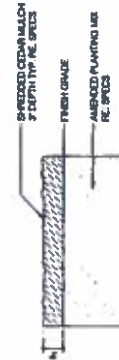
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\_\_\_\_ DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN  
 FZ-07-001 \_\_\_\_\_ CND. 2007. 2.4 49-011, 4-0-09  
 SHEET 9 OF 11

Reception # 2007108296



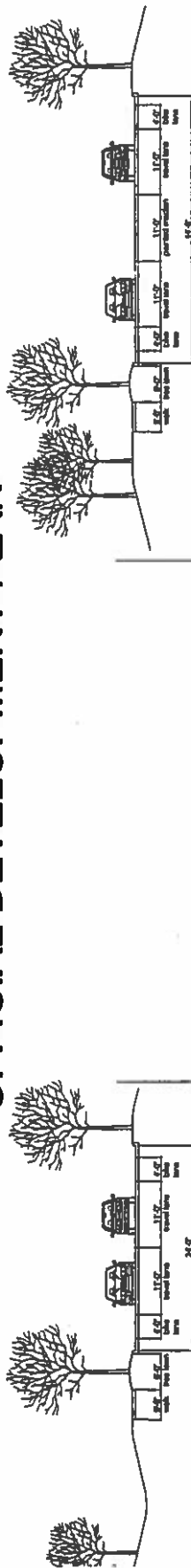
#### 4. PERENNIAL PLANTING



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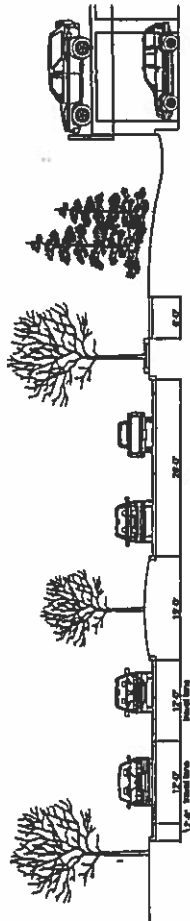
DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN  
RZ-07-001 ORD. 2007-24 49-011, 4 49-09

**DENVER FEDERAL CENTER  
OFFICIAL DEVELOPMENT PLAN**

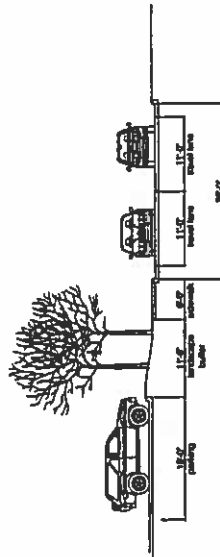
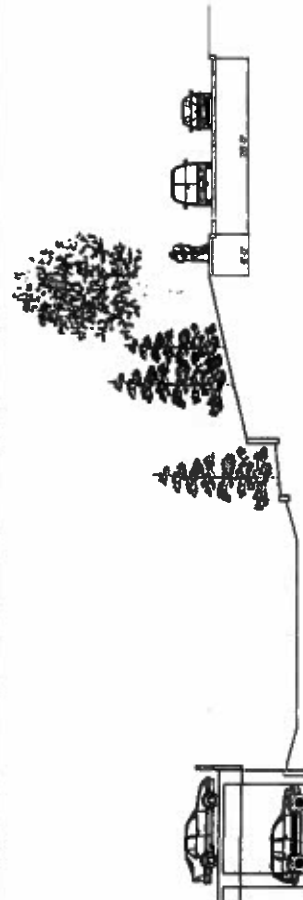


# 1 ROUTE SECTION A

## 2 ROUTE SECTION B



### 3 2ND PLACE SECTION



**4 WEST DRIVE SECTION**

**5 SOUTH DAVE SECTION**

## LANDSCAPE DETAILS

DENVER FEDERAL CENTER OFFICIAL DEVELOPMENT PLAN  
 RZ-07-001, \_\_\_\_\_ DKO, 2007-24 19-081, 4 49-09  
 SHEET 11 OF 11



February 16, 2018

**TRANSMITTED VIA EMAIL**

Mr. John Parvensky, President  
Colorado Coalition for the Homeless  
2111 Champa Street  
Denver, CO 80205

Re: United States Marine Corps Reserve Center  
59 Acre Portion, Federal Center  
Intersection of Union Blvd. & W. 4<sup>th</sup> Ave.  
Lakewood, CO 80225  
7-G-CO-0441-21-AJ

Dear Mr. Parvensky:

This Department recently received the enclosed letter dated February 14, 2018, from the United States General Services Administration (GSA), raising issues pertaining to the Colorado Coalition for the Homeless' (CCH) application for the acquisition of the above-referenced property. We request that CCH officially address GSA's concerns and submit a response to [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov) no later than Thursday, April 1, 2018. Should you have any questions or concerns, please contact Telesforo Ramirez III, Realty Specialist, at [Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov), or on (301) 443-2265.

Sincerely yours,

Theresa

M. Ritta -S

Theresa Ritta, Program Manager  
Real Property Management Services  
Program Support Center

Digitally signed by Theresa M.  
Ritta -S  
DN: c=US, o=U.S. Government,  
ou=HHS, ou=PSC, ou=People,  
0.9.2342.19200300.100.1.1=2000  
003750, cn=Theresa M. Ritta -S  
Date: 2018.02.16 08:45:17 -05'00'

Cc: Freeman, Melvin (GSA)  
Morgan, William (GSA)



Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

---

**USMC Reserve Center; 59-acre portion, Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)**

1 message

---

**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>

Fri, Feb 16, 2018 at 8:45 AM

To: "John Parvensky (jp@coloradocoalition.org)" &lt;jp@coloradocoalition.org&gt;

Cc: "Kuhl T. Brown (kbrown@coloradocoalition.org)" &lt;kbrown@coloradocoalition.org&gt;, William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;, "melvin.freeman@gsa.gov" &lt;melvin.freeman@gsa.gov&gt;

Mr. Parvensky:

Please see the attached request related to the attached General Services Administration correspondence.

Thank you,

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)

---

**2 attachments** **CCH Cover letter 2.16.18.pdf**  
252K

 **CCH Application Clarification Paper.pdf**  
80K



Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

## Re: DFC Call with the City of Lakewood

1 message

**Ralph Conner - PIB** <ralph.conner@gsa.gov>

Wed, Oct 4, 2017 at 5:19 PM

To: Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

Cc: "Flavio Peres (PTA)" &lt;flavio.peres@gsa.gov&gt;, "Richard Butterworth Jr." &lt;richard.butterworth@gsa.gov&gt;, Jim Weller &lt;jim.weller@gsa.gov&gt;, James Ferracci &lt;james.ferracci@gsa.gov&gt;, Leigh Ann Bunetta - LD8 &lt;leighann.bunetta@gsa.gov&gt;

Thanks Melvin. Appreciate the summary.

Ralph Conner  
202-494-5470

On Oct 4, 2017, at 6:14 PM, Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt; wrote:

Flavio et al,

I participated on a call today with the city of Lakewood, specifically with Mayor Paul, City Manager Kathy Hodgson, Director of Public Works Jay Hutchinson, and Leigh Ann Bunetta from R8. During the call we covered the following info:

### Talking Points

- Press Release issued today - notice of sale cancellation
- McKinney screening to begins on 10/6 - Revisions to McKinney Act with timelines up to 175 days.
- Eligible Programs of Use - emergency shelters, transitional and supportive permanent housing, basic job skills training, medical & mental health services, drug & alcohol rehab programs, administrative services, case management, clothing depot, food banks, etc...
- HHS transfers by lease or deed will require grantee or lessee to apply with the Colorado Department of Public Health and the Environment (CDPHE) and be accepted as capable of conforming with CDPHE's Corrective Measures Work Plan and Landfill Cover Materials Handling Plan before being allowed to own or lease the subject property."

If you have any questions or need additional information, please let me know. Thanks, Melvin

Melvin E. Freeman, CCIM  
GSA, PBS Greater Southwest Region (7P)  
819 Taylor Street, Rm. 11A00  
Fort Worth, TX 76102  
Tel: (817) 978-3856  
Cell: (b) (6)  
Melvin.Freeman@gsa.gov


**Our  
Priorities**




Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

**Re: CCH proposal**

1 message

**Melvin Freeman - 7PZ** <melvin.freeman@gsa.gov>

Thu, Mar 8, 2018 at 8:59 AM

To: Kathy Hodgson &lt;KatHod@lakewood.org&gt;

Cc: Timothy Horne - 8P &lt;tim.horne@gsa.gov&gt;, Katherine Gates - 8A &lt;katherine.gates@gsa.gov&gt;, Bobby Babcock - 7A &lt;robert.babcock@gsa.gov&gt;, Richard Stebbins - ZCR &lt;richard.stebbins@gsa.gov&gt;, "Flavio Peres (PTA)" &lt;flavio.peres@gsa.gov&gt;, Ralph Conner &lt;ralph.conner@gsa.gov&gt;, James Ferracci &lt;james.ferracci@gsa.gov&gt;

Hi Kathy,

Thanks for reaching out to inquire about the current status of the DFC disposal action. Below is the latest information concerning our schedule for the homeless application and review process.

Dates are as follows:

Financial Plan (Phase 2) due to HHS - March 9<sup>th</sup>HHS determination due to CCH - March 24<sup>th</sup>CCH response to GSA letter due to HHS - April 1<sup>st</sup>

Please let me know if you have additional questions. Thanks, Melvin

Melvin E. Freeman, CCIM

GSA, PBS Greater Southwest Region (7P)

819 Taylor Street, Rm. 11A00

Fort Worth, TX 76102

Tel: (817) 978-3856

Cell: (b) (6)

[Melvin.Freeman@gsa.gov](mailto:Melvin.Freeman@gsa.gov)**Our  
Priorities**

On Wed, Mar 7, 2018 at 4:50 PM, Kathy Hodgson &lt;KatHod@lakewood.org&gt; wrote:

Hi Melvin,

I hope you are well. I am writing to see if you might be able to give me an update on the timeline/looming deadline for the HHS determination on the Denver Federal Center property.

As you can imagine, the property and proposal by CCH has created enormous interest in the community and no one seems to know when the actual determination will be made.

Any information you can provide would be helpful.

Thanks in advance Melvin.

Kathy

**Kathy Hodgson**

City Manager

CITY OF LAKEWOOD, COLORADO

303.987.7050

480 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

[Lakewood.org](http://Lakewood.org)

[Facebook](#) | [Twitter](#) | [YouTube](#)



**Lakewood**

City Manager's Office

**Lakewood**



2016 • 2011

1. Email – October 4, 2017- DFC Call with the City of Lakewood
2. Email- November 3, 2017- Denver Federal Center 59 Acres
3. Email- March 7-8, 2018 – CCH proposal
4. Email w/ Attachment- April 16, 2018 Response to GSA Letter RE Federal Center Station Property
5. Agreement between GSA and Regional Transportation District for design, construction and maintenance of a detention pond at Denver Federal Center in Jefferson County, CO
6. Final Drainage Report for Regional drainage pond and storm water facilities – Federal Center Park and Ride- dated August 7, 2009
7. Colorado Coalition for the homeless proposal





**Lakewood**

## **Colorado Coalition for the Homeless proposal**

### **Here's the overview**

- The Colorado Coalition for the Homeless has applied to use 59 acres of land on the Federal Center, which is in the city of Lakewood.
- The coalition is a nonprofit organization providing a range of services to prevent homelessness and create housing solutions for at-risk families, children and individuals throughout Colorado.
- The Federal Center is a federal installation covering 623 acres, and it is owned and operated by the U.S. government through the General Services Administration. It has 6,000 employees and is home to the largest concentration of federal agencies outside Washington, D.C.
- The coalition's application proposes a two-phase redevelopment of the 59 acres that would create a campus for emergency shelter, transitional housing and services for those who are homeless.
  - Details of the proposal are available at [ColoradoCoalition.org/federal-center-station-property](http://ColoradoCoalition.org/federal-center-station-property).
  - A resource center with information about the proposal is also available at [Lakewood.org/CCHFedCenter](http://Lakewood.org/CCHFedCenter).
- The federal government owns the 59 acres, and it has determined this land is excess or surplus property it no longer needs. The land lies north of West Second Place and south of West Sixth Avenue.
- Under federal law, land the federal government decides is surplus must be made available for providing services to the homeless.
- The federal government has the sole authority to approve or deny the coalition's application for the property. This application process is occurring between the homeless coalition and the federal government.
- Lakewood has no authority to be involved in the federal government's decision about the coalition's application, but Lakewood officials have requested that the federal government respect the numerous years and extensive public participation involved in developing several plans for how this area should be developed.

### **What has occurred so far**

- The coalition has submitted an application to use the land to the U.S. Health and Human Services Department, and the department has moved the application to the next phase, which requires the coalition to provide a financial plan for its proposed campus.
  - The department will review the financial information when it is submitted. At that point, the department could ask for additional information, or it could make a determination to allow the

coalition to use the property. The exact timing of a final determination isn't known, but it could occur later this spring.

## How Lakewood has responded to the proposal

- We are focused on having the Colorado Coalition for the Homeless conduct an inclusive and extensive community discussion to educate and consult with our residents because there is so much concern in our community about this proposal. We have clearly communicated this with the coalition and the U.S. Health and Human Services Department.
  - The chief executive officer for the Colorado Coalition for the Homeless has met with community members at two meetings and has spoken at the Jan. 8 City Council meeting to outline the coalition's proposal and to provide other information.
- We certainly know the needs of those who are homeless must be addressed, but we are concerned that this proposal is similar to solutions used decades ago where residents with disadvantages were concentrated in specific areas of cities. Those solutions ultimately have stigmatized those residents even more, and we don't believe this is the best approach for today.
- We are also working in partnership with Jefferson County and our federal lawmakers to talk with the federal officials making this decision to find better solutions for those who are homeless and for our community.
  - City officials have met with the U.S. Health and Human Services Department to convey the community's concerns. We have emphasized that this area serves as an important commercial and residential hub for Lakewood, and we highlighted that plans developed with public input over several years outline a different vision for this property. These plans call for a mix of uses that include offices, research and development, residences, shops and public amenities.
  - Lakewood has four community plans that outline the long-range concept for how this important community hub including the 59 acres should be developed. Lakewood residents, business owners and community members were extensively involved in developing the vision established in these plans, which include the Federal Center Master Plan, the Federal Center/Union Boulevard Connectivity Plan, the Union Corridor Urban Design Plan and the Union Corridor Station Area Plan. We have asked the federal officials to respect these plans as they represent the community members' vision for their city. These plans are available at [Lakewood.org/UnionPlans](http://Lakewood.org/UnionPlans).
- We would hope that the ultimate use of the property will comply with local codes and plans for the city, particularly the 2008 Federal Center Master Plan, which is available at [Lakewood.org/UnionPlans](http://Lakewood.org/UnionPlans).
- We have created a resource center of information at [Lakewood.org/CCHFedCenter](http://Lakewood.org/CCHFedCenter) to help keep residents informed as information becomes available.

## What we know

- Lakewood has no authority to be involved in the federal government's decision about the coalition's application.

- Lakewood has no authority to regulate the current or future use of the land as long as it is federally owned, and that means the city's regulations don't apply.
- If the 59 acres remain in federal ownership while allowing the homeless coalition to use it for its campus, Lakewood's zoning and building codes will not apply. If the land is leased to the coalition, Lakewood's zoning and building codes will not apply because the federal government will retain its ownership under a lease.
- If the federal government sells, gives away or otherwise transfers ownership of the property to the homeless coalition, Lakewood's zoning and building codes will apply. Under this scenario, the coalition's current proposal would not meet Lakewood's zoning requirements for this area. The coalition's proposal is not defined enough to know how the city's building codes would apply to some of the proposed structures.
- If the homeless campus is developed and structures are built on the 59 acres when it is owned by the federal government and then the land is later sold, given or otherwise transferred to the coalition, Lakewood's zoning and building codes will not require the facilities to be upgraded at that time. The zoning and building codes do not create an obligation for facilities to be upgraded because of a change in ownership. Today there remain numerous property developments and structures throughout Lakewood that existed before the current zoning and building codes, and those developments and structures remain legal.
- The Colorado Department of Public Health and Environment oversees the environmental cleanup of all of the property on the Federal Center. The documents related to environmental investigation and remediation of land in the northwestern portion of the Federal Center are available at [Lakewood.org/CCHFedCenter](http://Lakewood.org/CCHFedCenter).
- Any potential impact the campus would have on city services isn't known at this time.

## Contacts

Colorado Coalition for the Homeless  
 Cathy Alderman  
 Vice President of Communications and Public Policy  
 303-293-2217  
[calderman@coloradocoalition.org](mailto:calderman@coloradocoalition.org)

U.S. Health and Human Services Department  
 Theresa Ritta  
 Real Property Management Services  
 301-443-6672 or 301-443-2265  
[rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov)

General Service Administration  
 Rich Stebbins  
 Public Affairs  
 GSA Rocky Mountain Region  
 303-513-1166  
[Richard.stebbins@gsa.gov](mailto:Richard.stebbins@gsa.gov)

Colorado Department of Health and Environment  
David Walker  
Hazardous Waste Corrective Action Unit  
303-692-3354  
david.walker@state.co.us.

Lakewood City Council  
Phone and email addresses: [www.Lakewood.org/CityCouncil](http://www.Lakewood.org/CityCouncil)  
Written comments: [www.Lakewood.org/RequestLakewood](http://www.Lakewood.org/RequestLakewood)

#### **Your federal lawmakers**

U.S. Rep. Ed Perlmutter  
303-274-7944 or 202-225-2645  
<https://perlmutter.house.gov/forms/writeyourrep>

Sen. Michael Bennet  
303-455-7600 or 202-224-5852  
<https://www.bennet.senate.gov/?p=contact>

Sen. Cory Gardner  
303-391-5777 or 202-224-5941  
<https://www.gardner.senate.gov/contact-cory/email-cory>



William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

**USMC Reserve Center; 59-acre portion, Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)**

Ramirez, Telesforo (PSC/RLO/RPM) &lt;Telesforo.Ramirez@psc.hhs.gov&gt;

Fri, Feb 16, 2018 at 7:45 AM

To: "John Parvensky (jp@coloradocoalition.org)" &lt;jp@coloradocoalition.org&gt;

Cc: "Kuhl T. Brown (kbrown@coloradocoalition.org)" &lt;kbrown@coloradocoalition.org&gt;, William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;, "melvin.freeman@gsa.gov" &lt;melvin.freeman@gsa.gov&gt;

Mr. Parvensky:

Please see the attached request related to the attached General Services Administration correspondence.

Thank you,

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)**2 attachments** **CCH Cover letter 2.16.18.pdf**  
252K **CCH Application Clarification Paper.pdf**



4/30/2018

GSA.gov Mail - USMC Reserve Center; 59-acre portion, Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)

80K





**February 14, 2018**

**Mr. Telesforo Ramirez III, J.D., M.S.  
Realty Specialist, Real Property Management Services  
Program Support Center  
U.S. Department of Health and Human Services  
7700 Wisconsin Ave  
Bethesda, MD 20814**

**Re: CCH Application Clarification Paper**

**Dear Mr. Ramirez,**

**On January 26, the General Services Administration (GSA) was provided a copy of an application for the acquisition of surplus federal real property known as the Denver Federal Station that was submitted to your office by the Colorado Coalition for the Homeless (CCH).**

**Please be advised that certain factual items related by CCH concerning their interpretation of conditions and assumptions with the property need clarification and/or correction. Each point is referenced first by document file name then by page and section. I'm happy to provide more clarification around any of these points or supply supporting documentation if necessary.**

**File – CCH to HHS Application GSA 7-G-CO0441-21-AJ**

**p. 8 – Claims that the ODP "stipulates any existing non-conforming uses as defined in the Lakewood Zoning Ordinance will be deemed permissible upon such transfer of fee title from federal ownership."**

**The ODP states in Section III, C., the United States must consider its responsibilities pursuant to 40 U.S.C. § 3312. This Section states "(c) Zoning Laws.—Each building constructed or altered by the Administration or any other federal agency shall be constructed or altered only after consideration of all requirements (except procedural requirements) of the following laws of a State or a political subdivision of a State, which would apply to the building if it were not a building constructed or altered by a federal agency:**

(1) Zoning laws.

(2) Laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, esthetic qualities of a building, and other similar laws."

p. 9 – To be clear, CCH must be a party to the State's consent order even as a tenant under lease.

p.10 (B)(3) 1<sup>st</sup> Bullet point - There are no electrical or gas services "within the Federal Center" that are available for development of this site. Since GSA remains the owner of the property in fee, any utility easement must be approved by the agency prior to construction.

p.29 (C) Phase One Use Proposal, Area 3

In reference to the RTD Detention Pond Easement, the statement "...which is designed to provide storm water detention and drainage for the surplus property" is false. Per the easement dated October 19, 2010, RTD reserves the right to require storm water participation fees from other parties that choose to utilize the detention pond within the drainage area depicted on Exhibit D of the easement. This area does not include any development north of 4<sup>th</sup> Avenue.

p.30 (C) Phase Two, Area 1: – The assumption that the RTD detention pond is designed to handle additional stormwater created when developing the site within the RTD tracks is false. Also, the assumption that the Federal Government will agree to intake additional stormwater into the existing system on the DFC affecting property outside the property under consideration is false.

p.34 (D) – Congresswoman Diane DeGette does not represent the district in which the property is sited. Due to the significance of the Federal presence in the City of Lakewood at the DFC, political letters of support that come from the City of Lakewood or its Congressional representatives are typically shared with GSA. No such correspondence supporting CCH has been shared with GSA.

p.50 4.(A) Block D - An assumption that there will be unrestricted access to existing stormwater systems is false.

p.51 4.(A) Area 3: - An assumption that there will be unrestricted access to existing stormwater systems is false.

**File - Exhibits – Pt I\_1A thru 3A5**

**Exhibit 2B4 - Green Mountain Water and Sanitation District Letter – 11-30-17**

p.2 3. Bullet Point – Statement is made by Green Mountain that sewer service will also require the extension of sewers across the Denver Federal Center, along 7<sup>th</sup> Street. There are currently no such easements or agreements in place which would facilitate Green Mountain or any other

outside party running sewer in this location. As fee owner, GSA must approve any proposed utility easements prior to construction. Any such proposal would need to be determined in the best interest of the government and appropriate acquisition of such easement/agreement must be completed through Federal Regulations. Additionally, there are currently no plans to report this property excess.

**Exhibit 3A1 – Housing an Inclusive Denver**

The subject property is located in the City of Lakewood, not Denver. This document does not reference Lakewood as part of any planning.

**File - CCH to HHS\_Environmental Questions\_Exhibits C2-3\_Part I**

**Exhibit Attachment C3**

Per the State of Colorado Department of Public Health and Environment directive CCH will apply and must be approved under the Corrective Action Plan which covers the Northwest Corner Landfill. By the State's approval, CCH must comply with the full terms and conditions as set forth by the State.

**File – CCH to HHS Attach C Environmental Questionnaire**

p.9 Q.7. – Any development on the subject property will require some level of storm water controls to be put in place. Any assumption that the current Denver Federal Center system has capacity to handle such water or that additional stormwater would be allowed, is false.

p.12 #16 – Ms. Cudahy, District Manager, Green Mountain assumption that utilities currently serving the DFC, located at the intersection of Main Ave. and South 8<sup>th</sup> St., will be available for use for this property, is false.

Sincerely,

(b) (6)

A large black rectangular redaction box covers the signature area.

Melvin E. Freeman, Director  
Real Property Utilization and Disposal  
General Services Administration





February 16, 2018

**TRANSMITTED VIA EMAIL**

Mr. John Parvensky, President  
Colorado Coalition for the Homeless  
2111 Champa Street  
Denver, CO 08205

Re: United States Marine Corps Reserve Center  
59 Acre Portion, Federal Center  
Intersection of Union Blvd. & W. 4<sup>th</sup> Ave.  
Lakewood, CO 80225  
7-G-CO-0441-21-AJ

Dear Mr. Parvensky:

This Department recently received the enclosed letter dated February 14, 2018, from the United States General Services Administration (GSA), raising issues pertaining to the Colorado Coalition for the Homeless' (CCH) application for the acquisition of the above-referenced property. We request that CCH officially address GSA's concerns and submit a response to [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov) no later than Thursday, April 1, 2018. Should you have any questions or concerns, please contact Telesforo Ramirez III, Realty Specialist, at [Telesforo.Ramirez@psc.hhs.gov](mailto:Telesforo.Ramirez@psc.hhs.gov), or on (301) 443-2265.

Sincerely yours,

Theresa  
M. Ritta -S  
Theresa Ritta, Program Manager  
Real Property Management Services  
Program Support Center

Digitally signed by Theresa M.  
Ritta -S  
DN: c=US, o=U.S. Government,  
ou=HHS, ou=PSC, ou=People,  
0.9.2342.19200100.1.1=2000  
003750, cn=Theresa M. Ritta -S  
Date: 2018.02.16 08:45:17 -05'00'

Cc: Freeman, Melvin (GSA)  
Morgan, William (GSA)



Timothy Horne - 8P &lt;tim.horne@gsa.gov&gt;

---

**Re: Request update on the 59 acre Federal Center site - proposal by CCH**

1 message

---

**Timothy Horne - 8P** <tim.horne@gsa.gov>  
To: Kathy Hodgson <KatHod@lakewood.org>

Mon, Mar 26, 2018 at 5:34 PM

Hi Kathy-

On Friday (03/23), the Department of Health and Human Services denied the request of the Colorado Coalition for the Homeless to acquire this property for its use.

GSA will be issuing a press release in the next week or so with details on our plan moving forward. The following link has our "coming soon" announcement. <https://disposal.gsa.gov/propertydetail?id=a0Xt0000000GpgyEAC>

Let me know if you have any questions.

On Mar 26, 2018, at 4:23 PM, Kathy Hodgson <KatHod@lakewood.org> wrote:

Good afternoon Tim,

As you are aware, many in the Lakewood community are following the CCH proposal closely.

Please let me know of any developments that have occurred regarding the CCH application, and other information that you can share.

We have a City Council meeting this evening, and I would appreciate any update that would be informative to our citizens.

Thanks in advance.

Kathy

**Kathy Hodgson**

City Manager

CITY OF LAKEWOOD, COLORADO

303.987.7050

480 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

Lakewood.org



Timothy Horne - 8P &lt;tim.horne@gsa.gov&gt;

---

**Request update on the 59 acre Federal Center site - proposal by CCH**

1 message

---

Kathy Hodgson <KatHod@lakewood.org>  
To: "tim.horne@gsa.gov" <tim.horne@gsa.gov>  
Cc: Kathy Hodgson <KatHod@lakewood.org>

Mon, Mar 26, 2018 at 4:23 PM

Good afternoon Tim,

As you are aware, many in the Lakewood community are following the CCH proposal closely.

Please let me know of any developments that have occurred regarding the CCH application, and other information that you can share.

We have a City Council meeting this evening, and I would appreciate any update that would be informative to our citizens.

Thanks in advance.

Kathy

**Kathy Hodgson**

City Manager

CITY OF LAKEWOOD, COLORADO

303.987.7050

480 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

Lakewood.org

Facebook | Twitter | YouTube



**Lakewood**  
City Manager's Office





Timothy Horne - 8P &lt;tim.horne@gsa.gov&gt;

---

**Fwd: Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)**

1 message

---

**Timothy Horne - 8P** <tim.horne@gsa.gov>  
To: Kathod@lakewood.org

Fri, Mar 23, 2018 at 5:46 PM

FYI as I know the community is highly interested. This is all I know, but will share more as I get it.

Begin forwarded message:

**From:** Melvin Freeman - 7PZ <melvin.freeman@gsa.gov>  
**Date:** March 23, 2018 at 4:34:54 PM MDT  
**To:** Timothy Horne - 8P <tim.horne@gsa.gov>, Leigh Ann Bunetta - LD8 <leighann.bunetta@gsa.gov>, "Flavio Peres (PTA)" <flavio.peres@gsa.gov>, Ralph Conner <ralph.conner@gsa.gov>, James Ferracci <james.ferracci@gsa.gov>, Debbie Underwood <debbie.underwood@gsa.gov>, Mark Duffy <mark.duffy@gsa.gov>, Bobby Babcock - 7A <robert.babcock@gsa.gov>  
**Subject:** Fwd: Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)

Tim, et al.

We just received word that HHS has denied the homeless application submitted by CCH for the surplus 59 acres located at DFC. If you have any questions or need more information, please let me know. Thanks, Melvin

Melvin E. Freeman, CCIM  
GSA, PBS Greater Southwest Region (7P)  
819 Taylor Street, Rm. 11A00  
Fort Worth, TX 76102  
Tel: (817) 978-3856  
Cell: (b) (6)  
Melvin.Freeman@gsa.gov

----- Forwarded message -----

**From:** Ramirez, Telesforo (PSC/RLO/RPM) <Telesforo.Ramirez@psc.hhs.gov>  
**Date:** Fri, Mar 23, 2018 at 5:23 PM  
**Subject:** Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)  
**To:** "John Parvensky (jp@coloradocoalition.org)" <jp@coloradocoalition.org>  
**Cc:** "Kuhl T. Brown (kbrown@coloradocoalition.org)" <kbrown@coloradocoalition.org>, "melvin.freeman@gsa.gov" <melvin.freeman@gsa.gov>, William Morgan - 7PZB <william.morgan@gsa.gov>, "Ritta, Theresa (PSC/RLO/RPM)" <Theresa.Ritta@psc.hhs.gov>

Mr. Parvensky:

Please see the attached determination letter related to the application submitted by the Colorado Coalition for the Homeless for the subject property.

v/r,



William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

---

**Denver Federal Center; Lakewood, CO (7-G-CO-0441-21-AJ)**

---

**Ramirez, Telesforo (PSC/RLO/RPM)** <Telesforo.Ramirez@psc.hhs.gov>

Fri, Mar 23, 2018 at 4:23 PM

To: "John Parvensky (jp@coloradocoalition.org)" &lt;jp@coloradocoalition.org&gt;

Cc: "Kuhl T. Brown (kbrown@coloradocoalition.org)" &lt;kbrown@coloradocoalition.org&gt;, "melvin.freeman@gsa.gov" &lt;melvin.freeman@gsa.gov&gt;, William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;, "Ritta, Theresa (PSC/RLO/RPM)" &lt;Theresa.Ritta@psc.hhs.gov&gt;

Mr. Parvensky:

Please see the attached determination letter related to the application submitted by the Colorado Coalition for the Homeless for the subject property.

v/r,

Telesforo Ramirez III, J.D., M.S.

Realty Specialist, Real Property Management Services

Program Support Center

U.S. Department of Health and Human Services

Office: (301) 443-2603

Mobile: (b) (6)

[in](#) | [website](#) | [comments](#)

---

 **CCH Determination Letter\_3.23.18.pdf**  
263K





DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center  
Rockville MD 20857

March 23, 2018

**TRANSMITTED VIA EMAIL**

Mr. John Parvensky, President  
Colorado Coalition for the Homeless  
2111 Champa Street  
Denver, CO 08205

Re: United States Marine Corps Reserve Center  
59 Acre Portion, Federal Center  
Intersection of Union Blvd. & W. 4<sup>th</sup> Ave.  
Lakewood, CO 80225  
7-G-CO-0441-21-AJ

Dear Mr. Parvensky:

This is in response to the Colorado Coalition for the Homeless's (CCH's) final application dated March 9, 2018, for the public benefit conveyance of the above-referenced property. Based on our review, this Department has determined that the final application is not approvable because it failed to meet threshold requirements related to the CCH's ability to finance the development and operation of the approved program of use. More specifically, as detailed below, many aspects of the submitted financial plan are either incomplete or speculative and therefore fail to meet the requirements of 42 U.S.C. 11411(e)(4) and 45 C.F.R. 12a.9(b)(4).

With regard to estimated costs, Electric service infrastructure did not include costs relevant to a fire alarm system which would increase expenses which was not accounted for in development costs. Similarly, CCH's operating costs failed to include information pertaining to water expenses and funding to cover costs.

In terms of the CCH's ability to finance the development of the approved program of use, CCH proposed to utilize \$5 million of an estimated \$6,658,684 to be collected by CCH related to the sale of apartments currently owned by the Renaissance 88 Apartments LLLP, of which CCH is a limited partner. CCH provided a letter dated March 1, 2018 (Attachment 4.D.(7)), indicating that the Renaissance 99 Apartments LLLP had already executed a Purchase and Sale Agreement with Integra Housing Group LLC. However, the copy of the Purchase and Sale Agreement between Renaissance 88 Apartments LLLP and Integra Housing Group LLC, dated June 27, 2017 (Attachment 4.D.(6)), that CCH provided as supporting documentation, is only signed by the Renaissance 88 Apartments LLLP. A partially executed document is not legally binding and is therefore insufficient to demonstrate that CCH has \$5,000,000 available to fund the development of the approved program of use.

Additionally, the letter dated March 1, 2018 (Attachment 4.D.(7)), only states that CCH "expects" to receive net receipts of \$6,658,684. CCH did not provide documentation from the Renaissance 88 Apartments LLLP indicating how much debt exists, how much will remain after debts are paid, and how net receipts would be distributed. In any event, an expectation is inherently speculative and insufficient as evidence of CCH's ability to fund the development of the approved program of use.

With regard to CCH's ability to finance the \$3,693,950 development costs related to the solar farm, CCH stated that the construction of such an installation is eligible for federal energy tax credits. CCH estimated the value of the tax credit investment to be \$1,329,822. However, CCH failed to provide documentation demonstrating commitment, or even interest, on the part of a specific lender, related to investing in this type of project.

Additionally, with regard to CCH's ability to finance the remaining \$2,364,128 in development costs related to the solar farm, CCH proposed obtaining a bank loan in the amount of \$2,364,128. However, CCH failed to provide documentation demonstrating commitment, or even interest, on the part of a specific lender, related to providing financing for this type of project.

In terms of repayment, CCH proposed participating in Xcel Energy's Low Income Community Solar Garden (CSG) program whereby Xcel Energy would agree to purchase electricity produced from CCH's proposed solar collection farm at a negotiated renewable energy credit (REC) rate. CCH stated that its proposed solar collection farm had been determined to be eligible for the CSG program, but failed to provide any documentation for this Department's review related to any official determination of eligibility and approval for participation in the CSG program or to the specific terms of any related agreements. An informal determination of eligibility for participation in the CSG program is speculative and insufficient as evidence of CCH's ability to repay the loan described above.

Lastly, in terms of CCH's ability to fund the operation of the proposed program of use, CCH stated that the proposed \$2,664,231 operating budget for Phase I is less than 5% of CCH's 2017 operating budget and less than 73% of the net operating income for CCH in 2017. However, CCH declined to designate specific funds for operations, stating that CCH "believe[s]" that the ongoing cost of Phase I can be absorbed by existing revenue sources without specific designation. It isn't clear why CCH would decline to designate specific funds in order to demonstrate its ability to fund proposed operations. However, within the context of an application for the transfer of Federal surplus real property, the existence of net revenue, in and of itself, is not indicative of CCH's ability to fund operations without specific designation.

Lastly, CCH stated that it was undertaking a capital campaign to support the program of use. CCH projected raising more than \$25 million to support both Phase I and Phase II. (Attachment 4.E.(1)). However, CCH did not provide any information demonstrating past success with similar capital campaigns.

Accordingly, the application submitted by the Colorado Coalition for the Homeless is hereby disapproved. We regret that we are unable to provide you with a more favorable response. Should you have any questions, please contact me on (301) 443-2265.

Sincerely yours,

Theresa

M. Ritta -S

Theresa Ritta, Program Manager  
Real Property Management Services  
Program Support Center

Digitally signed by Theresa M. Ritta -S  
DN: ce=US, ou=U.S. Government,  
ou=HHS, ou=OPSC, ou=People,  
ou=23423920030010011-2000003  
750, cn=Theresa M. Ritta -S  
Date: 2018.03.23.14:12:42 -0400

Cc: Morgan, William (GSA)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; "the Act"), except as provided in Part 1.3 of this permit,

**the United States General Services Administration**

hereinafter "permittee", is authorized to discharge from all municipal separate storm sewer outfalls existing as of the effective date of this permit

to receiving waters which include McIntyre Gulch and other associated waters of the United States within the exterior boundaries of the Denver Federal Center in the SE ¼ of Section 9, T 4S, R 69W, located in the City of Lakewood, Jefferson County, Colorado,

in accordance with the conditions and requirements set forth herein.

This permit shall become effective December 1, 2011

This permit and the authorization to discharge shall expire at midnight, November 30, 2016

Signed this 20 day of October, 2011

(b) (6)

/ Authorized Permitting Official

Stephen S. Tuber, Assistant Regional Administrator  
Offices of Partnerships and Regulatory Assistance

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5. Definitions

## **1. Coverage Under This Permit.**

### **1.1. Permit Area.**

This permit covers all areas of the municipal separate storm sewer system (MS4) within the exterior boundary of the Denver Federal Center.

### **1.2. Discharges Authorized Under This Permit.**

1.2.1. During the effective dates of this permit, the permittee is authorized to discharge stormwater from the following areas, under the conditions of this permit:

1.2.1.1. All portions of the MS4 within the exterior boundaries of the Denver Federal Center.

### **1.3. Limitations on Permit Coverage.**

1.3.1. Non-Stormwater Discharges. The permittee must prohibit all types of non-stormwater discharges into its MS4, except for allowable non-stormwater discharges described in **Part 1.3.2.**

1.3.2. Allowable Non-Stormwater Discharges. The following sources of non-stormwater discharges are allowed to be discharged into the MS4 unless the permittee determines they are significant contributors of pollutants. If the permittee identifies any of the following categories as a significant contributor of pollutants, the permittee must include the category as an illicit discharge (see **Part 2.4**):

- Discharges authorized by a separate NPDES permit;
- Discharges in compliance with instructions of an On-Scene-Coordinator pursuant to 40 CFR part 300 or 33 CFR 153.10(e);
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (see **Part 1.3.3**);
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water;
- Power washing where no chemicals are used;
- Roof drains;
- Fire hydrant flushings;
- Non-storm water discharges resulting from a spill which are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge;

- Emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; and
- Discharges or flows from fire fighting activities occurring during emergency situations.

1.3.3. Based upon information provided by the United States General Services Administration (GSA), the MS4 is known to discharge groundwater infiltration. To determine if the extent of groundwater infiltration and if groundwater is contaminated, GSA shall inspect all MS4 storm sewer outfalls existing as of the effective date of this permit once a month for the first year of this permit (beginning in December 2011). GSA is required to determine if there is a discharge and to estimate the flow during the monthly inspections. Based upon the information obtained during the monthly inspections, GSA shall monitor at least once per year for every year of this permit starting with the second year of this permit from every MS4 outfall that discharges non-stormwater. If a particular outfall does not discharge at any time during the first year of inspections, GSA is not required to sample that outfall. To ensure that stormwater is not being monitored, GSA shall only inspect and collect samples if there is no measurable precipitation event 96 hours prior to the inspection or sampling event.

1.3.3.1 All MS4 storm sewer outfalls existing as of the effective date of this permit that discharge non-stormwater as described in Part 1.3.3 shall be monitored for the following:

	Sample Type	Frequency
Flow, Estimate	Instantaneous	Annual
40 CFR 122 Appendix D, Table II	Grab	Annual
Xylene	Grab	Annual
1,1 - Dichloroethylene	Grab	Annual
1,1,1 - Trichloroethane	Grab	Annual
1,4-Dioxane	Grab	Annual
Antimony, Total	Grab	Annual
Arsenic, Total	Grab	Annual
Beryllium, Total	Grab	Annual
Cadmium, Total	Grab	Annual
Chromium, Total	Grab	Annual
Copper, Total	Grab	Annual
Lead, Total	Grab	Annual
Mercury, Total	Grab	Annual
Nickel, Total	Grab	Annual
Selenium, Total	Grab	Annual
Silver, Total	Grab	Annual
Thallium, Total	Grab	Annual
Zinc, Total	Grab	Annual
Asbestos	Grab	Annual
Hardness	Grab	Annual
Total Suspended Solids	Grab	Annual
(a) Oil and Grease	Visual	Annual
Temperature	Grab	Annual
pH	Grab	Annual

(a) Visual observation is required. If a visible sheen is detected, a grab sample shall be taken and analyzed immediately.

1.3.3.2 The monthly inspection results taken during the first permit year and the annual sampling results

shall be reported in the MS4 Annual Report described in Part 3.3.

- 1.3.4 Stormwater Discharges Associated with Industrial Activity. This permit does not authorize stormwater discharges associated with industrial activity as defined in 40CFR §122.26(b)(14)(i)-(ix) and (xi).
- 1.3.5 Stormwater Discharges Associated with Construction Activity. This permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).
- 1.3.6 Discharges that are causing or contributing to an exceedance of applicable numeric or narrative water quality standards. EPA will notify the permittee if its MS4 discharges are likely to cause or contribute to a water quality impairment, or whose discharges contribute directly or indirectly to a 303(d) listed waterbody. If EPA determines that discharges from the MS4 are causing or contributing to a water quality impairment, the permittee's stormwater management plan (SWMP) must include a section describing how the program will control the discharge of the pollutants of concern and ensure discharges from the MS4 will not cause or contribute to instream exceedances of the water quality standards. This documentation must specifically identify measures and Best Management Practices (BMPs) that will collectively control the discharge of the pollutants of concern. EPA may also modify this permit to include effluent limitations in the event that the SWMP is not able to ensure discharges will not cause or contribute to an instream exceedance of a water quality standard. The permittee may be required to provide additional information to EPA to determine whether its discharge is causing or contributing to a water quality impairment.
- 1.3.7. Discharges of pollutants into waters which a Total Maximum Daily Load (TMDL) has been either established or approved by EPA unless the discharge is consistent with that TMDL. The permittee must incorporate any conditions and requirements applicable to discharges from the MS4 into the Stormwater Management Program in order to remain eligible for permit coverage. EPA will notify the permittee if a TMDL has been developed that specifies a wasteload allocation (WLA) for discharges from the MS4. The notification will require the MS4 operator to assess and document whether the WLA is being met through implementation of existing stormwater control measures or if additional control measures are necessary. The notification may also include requirements to describe and document an implementation schedule for controls, calculations, and monitoring or other proof that show that the WLA is being met. This may involve an iterative process of controls and evaluation. All documentation related to these requirements must be included as part of the records for the SWMP.
- 1.3.8. Discharges that do not comply with Colorado's anti-degradation policy for water quality standards. Colorado's anti-degradation policy can be obtained from the Colorado Department of Public Health and Environment or from its web site: <http://www.cdphs.state.co.us/op/regs/waterqualityregs.asp> (The anti-degradation rules are contained within Regulation 31 - Basic Standards and Methodologies for Surface Water). EPA may modify this permit, as necessary, to ensure that discharges comply with Colorado's anti-degradation policy for water quality standards.
- 1.3.9. Discharges and discharge-related activities that affect endangered species. Coverage under this permit is available only if the permittee's stormwater discharges, allowable non-storm water discharges, and discharge-related activities are not likely to:
- Jeopardize the continued existence of any species that are listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"); or
  - Cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the ESA and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the ESA.

"Discharge-related activities" include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the citing, construction, and operation of Best Management Practices (BMPs) to control, reduce, or prevent stormwater pollution.

- 1.3.10. Discharges that Affect Historical Properties. Coverage under this permit is available only if the permittee's stormwater discharges, allowable non-stormwater discharges, and discharge-related activities are:
- Not likely to affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or
  - In compliance with a written agreement with the State Historic Preservation Officer (SHPO) that outlines all measures the permittee will undertake to mitigate or prevent adverse effect to the historic property.

## **2. Stormwater Management Plan (SWMP).**

### **2.1. General Requirements.**

- 2.1.1. The permittee must continue to develop, implement, and enforce a SWMP. The SWMP must include management practices, control techniques, system design, engineering methods, and other provisions the permittee or EPA determines appropriate for the control of pollutants in discharges from the MS4.
- 2.1.2. The permittee must fully implement the SWMP; including meeting its measurable goals. Implementation should take place in approximate equal intervals throughout the permit and progress will be tracked in the annual report (see Part 3.3).
- 2.1.3. The SWMP must include each of the minimum control measures of Parts 2.2-2.7.
- 2.1.4. The permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under Part 3.3.
- 2.1.5. EPA may request documentation of the minimum control measures as required by the SWMP. EPA may review and subsequently notify the permittee that changes to the SWMP are necessary to:
- Address discharges from the MS4 that are causing or contributing to water quality impacts;
  - Include more stringent requirements necessary to comply with new Federal or State statutory or regulatory requirements;
  - Include other conditions deemed necessary by the EPA to comply with water quality standards, ESA related requirements, and/or other goals and requirements of the Clean Water Act (CWA); and/or
  - Address the SWMP requirements of the permit, if EPA determines that the permittee's current SWMP does not meet permit requirements.
- 2.1.5.1. EPA may request changes in writing and can require including a schedule to develop and implement the changes. The request will offer the permittee the opportunity to propose alternative program changes to meet the objectives of the requested modification.
- 2.1.6. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The permittee must implement the SWMP on all new areas added to the permittee's MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as

expeditiously as practicable, but not later than one year, unless deemed longer by the permitting authority, from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

- 2.1.7. If EPA notifies the permittee that changes are necessary to ensure that stormwater discharges are not causing or contributing to a violation of water quality standards, the notification will offer the permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the permittee must implement any required changes according to the schedule set by EPA.
- 2.1.8 GSA shall utilize the enforcement mechanisms available to ensure compliance with this permit (tenant leases, easement agreements, contracts, etc.). Once aware of noncompliance, GSA shall take the necessary steps to return to compliance including, but not limited to, notifying GSA and tenant management and escalating enforcement including utilizing the mechanisms mentioned previously. If GSA utilizes the available enforcement mechanisms as appropriate (including providing documentation) and is unable to achieve compliance, GSA shall notify the EPA Region 8 NPDES Enforcement Unit. GSA is only responsible for complying with the terms and conditions of this permit.
- 2.2. **Public Education and Outreach on Stormwater Impacts.** The permittee must:
  - 2.2.1. Continue an education and outreach program for the DFC which targets project contracting office representatives (CORs), project managers, building/property managers, and environmental staff;
  - 2.2.2. Establish a central point of contact for each tenant at the Denver Federal Center for the purposes of communication and training. This should include both the research labs at the DFC and the Army Reserve center;
  - 2.2.3. At a minimum, produce and disseminate informational material to contracting officer representatives, project managers, contractors, building and property managers, tenants, and environmental staff of the effects of erosion and runoff on water quality. Informational materials shall be updated and distributed as necessary throughout the duration of this permit, and should provide a location where all annual reports and/or SWMP updates as required by this permit may be viewed;
  - 2.2.4. Provide annual training to all building managers and tenant points of contact related to the applicable requirements of the Environmental Management System (EMS), the dig permit, and how to report and recognize spills and illicit discharges. This training may be incorporated into a larger program to educate tenants and building managers related to environmental compliance or environmental awareness; and
  - 2.2.5. Document education and outreach activities in the EMS or other appropriate tracking mechanism (e.g., database or SWMP), including documents created for distribution and a training schedule which notes the dates that trainings occurred and the target audiences reached; and
  - 2.2.6. Within four years of the effective date of this permit, provide and document training to all planning staff and contracting officers to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the expectations for meeting pre-development hydrology within the context of the Energy and Independence Security Act of 2007.
  - 2.2.7. The annual report (See Part 3.3) must document the following information related to public education and outreach:

- 2.2.7.1. A description of the methods, frequency, type, and target audience of stormwater outreach performed during the permit term;
- 2.2.7.2. A copy or representation of public outreach materials provided to the target audience(s);
- 2.2.7.3. An estimation of the number of people expected to be reached by the program over each year of the permit term; and
- 2.2.7.4. The name or title of the person(s) responsible for coordination and implementation of the stormwater public education and outreach program.

**2.3. Public Involvement and Participation. The permittee must:**

- 2.3.1. Comply with applicable public notice requirements when implementing a public involvement and participation program;
- 2.3.2. Make all relevant annual reports available on the permittee web site or provide links to all relevant annual reports posted on the EPA Region 8 web site in a locally available publication;
- 2.3.3. Maintain a log of public participation and outreach activities performed using an appropriate mechanism such as the facility EMS or a Stormwater Management Plan (SWMP); and
- 2.3.4. When significant additions or modifications are made to the Denver Federal Center's EMS which could impact compliance with the terms of this permit, provide EPA staff the opportunity to review those modifications or additions as necessary.
- 2.3.5. The annual report (See Part 3.3) must document the following information related to public involvement/participation:
  - 2.3.5.1. Documentation of any events or other activities to clean up MS4 receiving waters;
  - 2.3.5.2. Documentation of any volunteer activities conducted to help actively engage residents and personnel at the Denver Federal Center in understanding water resources and how their activities can affect water quality; and
  - 2.3.5.3. The name or title of the person(s) responsible for coordination and implementation of the storm water public education and outreach program.

**2.4. Illicit Discharge Detection and Elimination.**

An illicit discharge is any discharge to a MS4 that is not composed entirely of stormwater. Exceptions are described in Part 1.3.2. The permittee must:

- 2.4.1. Implement a program to detect and eliminate illicit discharges into its MS4. The program shall include procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system. This program shall address illegal dumping into the storm sewer system, and include training for staff on how to respond to reports of illicit discharges;
- 2.4.2. Effectively prohibit, through regulatory mechanisms available to GSA to prohibit illicit discharges and illegal dumping to the MS4 which includes, but is not limited to, notifying EPA and entering into a Federal Facility Compliance Agreements with the federal agencies;

- 2.4.3. Provide a mechanism for reporting of illicit discharges and provide this number on any outreach materials as appropriate;
- 2.4.4. Provide emergency spill contact information to all building managers, project managers, and the appropriate tenant single point of contact;
- 2.4.5. Investigate any illicit discharge within fifteen (15) days of its detection, and take action to eliminate the source of the discharge within forty five (45) days of its detection (or obtain permission from EPA for such longer periods as may be necessary in particular instances);
- 2.4.6. Maintain an information system which tracks dry weather screening efforts, illicit discharge reports, and the location and any remediation efforts to address identified illicit discharges;
- 2.4.7. Conduct dry weather screening annually at each of the major outfalls for the presence of non-stormwater discharges and to determine if there are significant erosion issues which need to be addressed. This requirement can be fulfilled by complying with Part 1.3.3. If an illicit discharge is detected, an assessment of that discharge shall be made. For example, sampling could include field tests of selected chemical parameters as indicators of discharge sources where dry weather flows are detected. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer's published detection ranges are adequate for the illicit discharge detection purposes;
- 2.4.8. Address the categories of non-stormwater discharges or flows listed in Part 1.3.2 and require local controls or conditions on these discharges as necessary to ensure that they are not significant contributors of pollutants to the small MS4. If the permittee identifies any of these non-stormwater discharges as a significant contributor of pollutants, the permittee must include the category as an illicit discharge and implement a plan of action to minimize or eliminate the illicit discharge as soon as practicable;
- 2.4.9. Update the complete storm sewer system map in the Denver Federal Center GIS prior to the end of year three of the permit; and
- 2.4.10. The annual report (See Part 3.3) must document the following information related to illicit discharge detection and elimination:
  - 2.4.10.1. A description of the program used to detect and eliminate illicit discharges into the MS4; including procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system;
  - 2.4.10.2. A description of the location and method of dry weather screening performed;
  - 2.4.10.3. A description of illicit discharges located and all actions taken to eliminate sources of illicit discharges;
  - 2.4.10.4. A description of training materials used and the frequency at which training was provided to the target audience(s) on how to respond to reports of illicit discharges;
  - 2.4.10.5. A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4;
  - 2.4.10.6. A copy or excerpt from the information management system used to track illicit discharges;
  - 2.4.10.7. A description of the categories of non-stormwater discharges evaluated as potentially being significant contributors of pollutants to the MS4 and any local controls placed on these

discharges; and

- 2.4.10.8. A description of the schedule and/or progress in creating a complete storm sewer map in the Denver Federal Center GIS.

**2.5. Construction Site Stormwater Runoff Control. The permittee must:**

- 2.5.1. Maintain a list of policies and procedures which can be used to enforce construction site compliance within the DFC. This may include working with the City of Lakewood and utilizing the EPA for enforcement of construction stormwater violations;
- 2.5.2. Use available regulatory mechanisms under the authority of the permittee to require erosion and sediment controls with sanctions for compliance to ensure compliance with the terms of the NPDES General Permit for Stormwater Discharges for Construction Activity in Colorado, COR10000F (i.e., the Construction General Permit or "CGP");
- 2.5.3. Create a general plan for inspection and enforcement of construction site stormwater BMPs which specifies any appropriate sanctions, penalties, enforcement procedures and inspection schedules;
- 2.5.4. Review the scope of work for all construction projects by environmental staff (e.g., the EPG) to assess whether proposed BMPs are realistic and to ensure compliance with the stormwater construction permit requirements for developing a stormwater pollution prevention plan;
- 2.5.5. Provide information on construction site BMPs with criteria for maintenance and installation. This may reference or incorporate documents which define how to install and maintain BMPs such as the Urban Drainage and Flood Control District Criteria Manual;
- 2.5.6. Maintain and utilize a closure process whereby environmental staff (e.g., the EPG) or contracting office representatives who are knowledgeable and have expertise in the area of stormwater management evaluate whether 70% vegetative cover has been met at all areas of the site prior to closing out construction stormwater permits. This process could be incorporated into the dig permit process;
- 2.5.7. Provide training to contracting office representatives which perform daily inspections on a biannual basis regarding the maintenance and installation of Best Management Practices for construction stormwater control and the terms of the construction stormwater permit;
- 2.5.8. Consider requiring emergency response BMPs or other equipment available in the back of response trucks to prevent the flow of sediment laden or contaminated water from reaching storm drains, since the DFC plays a role as a first responder in dealing with stormwater emergencies.
- 2.5.9. The annual report (See Part 3.3) must document the following information related to construction site stormwater runoff control:
  - 2.5.9.1. A description of construction activities which disturbed greater than or equal to 5,000 square feet of land at the DFC during the term of this permit;
  - 2.5.9.2. A description or citation of the established ordinance or other regulatory mechanism used to require erosion and sediment controls;
  - 2.5.9.3. A description of the sanctions and enforcement mechanisms the DFC uses to ensure that construction activities disturbing equal to or greater than 5,000 square feet of land are in compliance with the terms of the CGP;

- 2.5.9.4 A description of the procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts and applicable contract language;
- 2.5.9.5 A description of the procedures for receipt and consideration of information submitted by the public;
- 2.5.9.6 A description of the procedures for site inspection, including how sites will be prioritized for inspection, including documentation of the frequency of site inspections and methods for prioritizing site inspections;
- 2.5.9.7 Documentation of annual training provided to contracting office representatives, regarding the maintenance and installation of BMPs for construction stormwater control and the terms of the construction stormwater permit; and
- 2.5.9.8 The name or title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

**2.6. Post-construction Stormwater Management for New Development and Redevelopment. The permittee must:**

- 2.6.1. Include in contracts and requests for funding (e.g., a “prospective package”) a requirement to design for and provide funding for the installation of permanent stormwater control measures designed to retain, detain, infiltrate or treat runoff from newly developed impervious surfaces in a manner which mimics pre-development hydrology for all new projects and redevelopment which disturb greater than or equal to 5,000 square feet. Pre-development hydrology is defined in the SWMP. This should include a line item for costs associated with the installation and design of permanent stormwater control measures along with a specific performance specification (i.e., maintaining pre-development hydrology) or BMP specification;
- 2.6.2. As part of the design review process for new and redeveloped construction projects disturbing equal to or greater than 5,000 square feet, review all contracts to ensure that they include permanent post-construction stormwater control measures designed to retain, detain, infiltrate, or treat runoff from newly developed and redeveloped impervious surfaces in a manner which mimics pre-development hydrology;
- 2.6.3. Include or reference in the dig permit, applicable requirements and available guidance to design post-construction stormwater features or low impact development practices designed to mimic pre-development hydrology;
- 2.6.4. When updated, include hydrologic performance specifications and information related to the design and maintenance of permanent stormwater control measures in natural resource plans;
- 2.6.5. Develop and maintain a system to track the location, design, and maintenance specifications of permanent stormwater features. This could be incorporated into a GIS system or other internal process such as the Facilities Maintenance Plan or the Denver Federal Center EMS and include post-construction BMP “as-builts” for all newly installed permanent stormwater control measures in a georeferenced data management system;
- 2.6.6. Ensure that all newly installed post-construction stormwater control measures are working as designed prior to closing out contracts;

- 2.6.7. Upon closeout of new construction projects, include maintenance requirements for newly installed permanent post-construction stormwater control measures into a long-term maintenance plan; and
- 2.6.8. Ensure that permanent post-construction stormwater control measures are included in any applicable warranty reviews.
- 2.6.9. The annual report (See Part 3.3) must document the following information related to post-construction site stormwater runoff control:
  - 2.6.9.1. A description of the program to ensure that hydrologic endpoints are evaluated for new development and re-development projects as required in Part 2.6.1 and the mechanism used to review the adequacy of permanent stormwater control measures;
  - 2.6.9.2. A description of the review procedures and the assumptions provided to ensure the long-term operation and maintenance of permanent stormwater control measures, including an excerpt from any data management system that includes maintenance requirements and schedules for permanent stormwater control measures installed during the year;
  - 2.6.9.3. A description of the process used to ensure that all DFC contracts initiated after the effective date of the permit contain language which requires the installation of permanent stormwater control measures and an excerpt of applicable contract language;
  - 2.6.9.4. A description of any activities to include requirements or planning for permanent stormwater control measures in the natural resource plan; and
  - 2.6.9.5. The name or title of the person(s) responsible for coordination and implementation of the post-construction stormwater management program.
- 2.7. **Pollution Prevention and Good Housekeeping for Municipal Operations.** The permittee must:
  - 2.7.1. Develop and implement an operation and maintenance program with the ultimate goal of preventing and reducing pollutant runoff from municipal operations which includes an employee training component;
  - 2.7.2. Provide and document annual training for all grounds maintenance and facilities maintenance contractors on an annual basis covering the topics of stormwater runoff impacts and controls and the maintenance of onsite pollution control measures. These trainings can be provided to a single point of contact for each facility for further distribution;
  - 2.7.3. Conduct an annual snow meeting at the beginning of each year to discuss strategies to prevent the misuse and over-application of chemical deicers;
  - 2.7.4. Conduct an annual street sweeping and storm sewer system maintenance meeting or training to discuss procedures for disposing of material and priorities/schedules for cleaning out stormwater BMPs and street sweeping;
  - 2.7.5. Inventory the DFC for locations of all stormwater features such as detention basins, drop structures, and trash racks. Where these facilities are noted, provide a schedule for their inspection and procedures for when these need to be cleaned out and/or modified. Include these activities in maintenance contracts, specifications for maintenance of instream BMPs (sediment basins, drop structures, trash racks);

- 2.7.6. Develop and implement a schedule for cleanout of storm sewer inlets in a manner which prevents significant deposition of sediment or other debris to receiving waters;
- 2.7.7. Provide the grounds contractors or other parties responsible for pesticide and herbicide application with training related to the requirements for NPDES permitting (given the requirements in EPA's new pesticide application general permit) and in the area of chemical disposal and stormwater runoff at least once during the effective term of this permit;
- 2.7.8. Track pesticide and herbicide records for each site for each chemical. Contractors should keep a daily log in a format which can be provided for assessment by the Environmental Programs Group or other entities if necessary;
- 2.7.9. Evaluate the activities at the Army Reserve Unit to determine whether industrial permitting is necessary; and
- 2.7.10. Consider adding specifications for use in construction project re-vegetation or for use in training materials related to procedures related to the application of pesticides and herbicides. Such specifications would specify procedures for disposing of excess chemical residuals, procedures for storage and maintenance of herbicides and pesticides, maintenance of MSDS's for all herbicides/pesticides used, use of backflow protection systems to prevent contamination of domestic water sources, procedures for routing water and chemical residuals away from storm drains, and any applicable requirements as prescribed in the dig permit.
- 2.7.11. The annual report (See Part 3.3) must document the following information related to pollution prevention and good housekeeping for municipal operations:
  - 2.7.11.1. A description of the contents and frequency of the training program (see Part 2.7.1) for municipal personnel and a list of the personnel or positions trained during the term of the permit;
  - 2.7.11.2. A description of the evaluation performed on the street cleaning operations, catch basin cleaning operations, and street sanding/salt practices and any measures taken as a result of the evaluation to minimize negative impacts to water quality; and
  - 2.7.11.3. A description of how maintenance activities are tracked for permanent stormwater control measures.

### **3. Monitoring and Master Planning.**

#### **3.1 General Requirements.**

- 3.1.1 Not later than three years from the effective date of this permit, the permittee must develop a program to evaluate the water quality in McIntyre Gulch, as it both enters and leaves the DFC. This program shall at a minimum include evaluations of streambank stabilization, and water quality. The water quality monitoring program may include indicators such as chemical monitoring, assessment of macroinvertebrates or other aquatic life, or watershed assessment of river stability and sediment supply, provided that the monitoring program provides meaningful data to evaluate the effectiveness of the stormwater management program. The permittee is responsible for evaluating data for analysis of trends;
- 3.1.2. The permittee must send a description of the water quality monitoring program to EPA with the Annual Report for year 3 of this permit term. Programs will be assessed by EPA Region 8 to determine whether the program meets the goals of this permit and whether the data is being collected and reported in compliance with EPA test procedures approved under 40 CFR Part 136; and

- 3.1.3. The permittee must develop a vision and/or design guidelines for McIntyre Gulch which define how it can be re-configured, conserved, and managed as a high quality receiving water and as an amenity for the Denver Federal Center within 3 years of the effective date of this permit. This could include a vision for how to reconstruct channels to include meanders, drop structures, and to utilize and enhance the function of the existing wetlands. This could also include a vision of how to connect McIntyre Gulch to existing pedestrian corridors or to provide alternative access points so it could be utilized as a recreational amenity for the Denver Federal Center if so desired.

### 3.2 Recordkeeping.

- 3.2.1. The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the EPA at any time.
- 3.2.2. The permittee must submit the records referred to in Part 3.2.1 to EPA only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the EPA. The permittee must make records, including the application and the description of the SWMP, available to the public if requested to do so in writing.

### 3.3. Annual Reports.

The permittee must submit an annual report to EPA for each year of the permit term. The first report is due April 1, 2012, and must cover the activities during the period beginning on the effective date of the permit through December 31, 2011. Each subsequent annual report is due on April 1 of each year following 2012 for the remainder of the permit term. Reports must be signed in accordance with the signatory requirements in Part 4.7. Reports may be posted on the EPA Region 8 web site. Therefore, parts of the annual report which cannot be publicly available should be marked as "confidential" or "for official use only." Reports must be submitted to EPA at the following address:

Stormwater Coordinator (8P-W-WW)  
Small MS4 Annual Report  
US EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

### 4. Standard Permit Conditions.

- 4.1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- 4.1.1. **Criminal Violations.**
- 4.1.1.1. **Negligent Violations.** The CWA provides that any person who *negligently* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. In the case of a second, or subsequent

conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- 4.1.1.2. **Knowing Violations.** The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second, or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or both.
- 4.1.1.3. **Knowing Endangerment.** The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction be subject to a fine not more than \$250,000 or by imprisonment for not more than 15 years, or both. In the case of a second, or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than \$500,000 per day of violation, or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- 4.1.1.4. **False Statement.** The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309(c)(4) of the Clean Water Act).
- 4.1.2. **Civil Penalties.** The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to a civil penalty not to exceed \$37,500 per day for each violation.
- 4.1.3. **Administrative Penalties.** The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to an administrative penalty as follows:
- 4.1.3.1. **Class I penalty.** Not to exceed \$16,000 per violation nor shall the maximum amount exceed \$37,500.
- 4.1.3.2. **Class II penalty.** Not to exceed \$16,000 per day for each day during which violation continues nor shall the maximum amount exceed \$177,500.
- 4.2. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the

expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

- 4.3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 4.4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- 4.5. **Duty to Provide Information.** The permittee shall furnish to the EPA, within a reasonable time, any information which the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the EPA, upon request, copies of records required to be kept by this permit.
- 4.6. **Other Information.** If the permittee becomes aware that the permittee has failed to submit any relevant facts in the Notice of Intent or submitted incorrect information in the Notice of Intent, or in any other report to the EPA, the permittee must promptly submit such facts or information.
- 4.7. **Signatory Requirements.** All Notices of Intent, Notices of Termination, reports, certifications, or information submitted to the EPA, or that this permit requires be maintained by the permittee, shall be signed and certified as follows:
  - 4.7.1. *Notices of Intent.* All Notices of Intent/Termination shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
  - 4.7.2. *Reports and other information.* All reports required by the permit and other information requested by the EPA or authorized representative of the EPA shall be signed by a person described in **Part 4.7.1.** or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - 4.7.2.1. The authorization is made in writing by a person described in **Part 4.7.1** and submitted to the EPA; and
    - 4.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.
  - 4.7.3. *Changes to authorization.* If an authorization under **Part 4.7.2** is no longer accurate because a different individual or position has responsibility for the overall operation of the MS4, a new authorization satisfying the requirements of **Part 4.7.2** must be submitted to the EPA prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.
  - 4.7.4. *Certification.* Any person signing a document under **Parts 4.7.1** or **4.7.2** shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am

aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- 4.8. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- 4.9. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the conditions of the permittee's stormwater management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- 4.10. **Inspection and Entry.** The permittee shall allow the State or Regional Administrator, or authorized representative (including an authorized contractor acting as a representative of the Administrator) upon presentation of credentials and other documents as may be required by law, to:
  - 4.10.1. Enter upon the permittee's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
  - 4.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - 4.10.3. Inspect at reasonable times, any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
  - 4.10.4. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- 4.11. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 4.12. **Permit.** This permit is not transferable to any person except after notice to the EPA. The EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.
- 4.13. **Anticipated Noncompliance.** The permittee shall give advance notice to the EPA of any planned changes in the permitted small MS4 or activity which may result in noncompliance with permit conditions.
- 4.14. **State/Tribal Environmental Laws.**
  - 4.14.1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by section 510 of the Act.
  - 4.14.2. No condition of this permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

- 4.15. Severability.** The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- 4.16. Procedures for Modification or Revocation.** Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.
- 5. Definitions.** All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the Statute or Regulation takes precedence.
- 5.1. Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 5.2. Control Measure** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
- 5.3. CWA or The Act** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
- 5.4. Discharge**, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR 122.2.
- 5.5. Discharge-related Activities** include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent storm water pollution.
- 5.6. EPA** means the EPA Regional Administrator or an authorized representative.
- 5.7. Measurable Goal** means a quantitative measure of progress in implementing a component of a storm water management program.
- 5.8. MS4** means "municipal separate storm sewer system" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (e.g., military facilities, prisons, and systems operated by other levels of government).
- 5.9. Municipal Separate Storm Sewer** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
- 5.10. NOT** means Notice of Termination to be covered under EPA's Construction General Permit.

- 5.11. *Outfall* means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
- 5.12. *Point Source* means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- 5.13. *Small Municipal Separate Storm Sewer System* is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.
- 5.14. *Stormwater* is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 5.15. *Storm Water Management Plan (SWMP)* refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.



William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

**Fwd: FW: Denver Federal Center 59 Acres**

7 messages

Melvin Freeman - 7PZ &lt;melvin.freeman@gsa.gov&gt;

Fri, Nov 3, 2017 at 10:38 AM

To: William Morgan &lt;william.morgan@gsa.gov&gt;, John Robinson &lt;john.robinson@gsa.gov&gt;

FYI

Kathy/Jay,

I need modify my statement to let you know we just received an additional homeless application this morning, and the number is now up to three separate applicants. Thanks, Melvin

Melvin E. Freeman, CCIM  
 GSA, PBS Greater Southwest Region (7P)  
 819 Taylor Street, Rm. 11A00  
 Fort Worth, TX 76102  
 Tel: (817) 978-3856  
 Cell: (b) (6)  
 Melvin.Freeman@gsa.gov



On Fri, Nov 3, 2017 at 11:16 AM, Melvin Freeman - 7PZ <melvin.freeman@gsa.gov> wrote:  
 Good Morning, Kathy and Jay.

GSA began homeless screening on 10/6 for the 59 acre parcel located on the DFC. HHS has received two separate expressions of interest and have issued deadlines for initial applications due to HHS by 12/26/17. If either of the applicants proposed program of use is deemed acceptable by HHS, the applicant will be given an additional 45 days to provide financial information to substantiate the viability of the proposed program. Once HHS receives this information, they will have an additional 25 days to review and make a determination of whether the entity qualifies for a homeless conveyance under the program.

That said, the first critical date will likely come in mid-January 2018, as HHS has 15 days from the application deadline of 12/26/17, to review the initial submissions. This is when I expect HHS to notify GSA if the proposed plan of use meets the initial criteria. If an applicants program of use is found to meet the criteria, it could be the end of March 2018 before we have a definitive decision from HHS. We are not at liberty to share the names of the applicants at this point, but at least one of the applicants has issued press releases in the local newspaper.

Below is the contact information for our primary POC at HHS:

**U.S. Department of Health and Human Services**  
**Ms. Theresa Ritta**

**Program Manager, Federal Real Property Assistance Program**  
**Real Property Management Services**  
**Program Support Center**  
**7700 Wisconsin Avenue, 10<sup>th</sup> Floor**  
**Bethesda, MD 20814**  
**Telephone: 301-443-6672**  
**Email: rpb@psc.hhs.gov**

If you have additional questions, please let me know. Thanks, Melvin

GSA, PBS Greater Southwest Region (7P)  
819 Taylor Street, Rm. 11A00  
Fort Worth, TX 76102  
Tel: (817) 978-3856  
Cell: (b) (6)  
Melvin.Freeman@gsa.gov



**Our  
Priorities**



On Fri, Nov 3, 2017 at 10:11 AM, Kathy Hodgson <KatHod@lakewood.org> wrote:

Good morning Melvin,

Happy Friday.

Can you please provide an update to us?  
See Jay's message below.

Thank you very much.

Kathy Hodgson

From: Jay Hutchison  
Sent: Friday, November 03, 2017 8:35 AM  
To: Kathy Hodgson <KatHod@lakewood.org>  
Subject: Denver Federal Center 59 Acres

Kathy –

I wonder if Melvin Freeman can update us on the HHS process. As I recall homeless service providers have until today or early next week to express interest in the 59 acres of the Denver Federal Center. It would be helpful to receive an update:

1. Which, if any, homeless service providers have expressed interest in the 59 acres?
2. Who with HHS can the city keep in touch with while the HHS process is underway?

Thanks

Jay

**Jay N. Hutchison P.E.**

DIRECTOR OF PUBLIC WORKS

303.987.7900

470 S. ALLISON PARKWAY

LAKEWOOD CO 80226

[WWW.LAKEWOOD.ORG](http://WWW.LAKEWOOD.ORG)



**Lakewood**  
Public Works

**Lakewood**



2016 • 2011



William Morgan - 7PZB &lt;william.morgan@gsa.gov&gt;

**59 Acres +/- (P) of the Denver Federal Center, Lakewood, CO (7-G-CO-0441-21-AJ)**

Ritta, Theresa (PSC/RLO/RPMS) &lt;Theresa.Ritta@psc.hhs.gov&gt;

Thu, Oct 12, 2017 at 8:38 AM

To: "jp@coloradocoalition.org" &lt;jp@coloradocoalition.org&gt;

Cc: "william.morgan@gsa.gov" &lt;william.morgan@gsa.gov&gt;

Mr. Parvensky:

This is to acknowledge receipt of the Colorado Coalition for the Homeless's attached expression of interest in acquiring the subject property for assistance to homeless individuals. In accordance with Title V of the McKinney-Vento Homeless Assistance Act (Title V), all surplus real properties receive priority consideration for uses to assist the homeless. Please note that all clients must meet the definition of homeless promulgated at section 12a.1 of the joint Federal agency Title V regulation published at 45 C.F.R. Part 12a (copy attached). Eligible programs include emergency shelter, transitional housing, permanent supportive housing, and other supportive services for the homeless, etc.

Pursuant to the Federal Assets Sale and Transfer Act of 2016 (H.R. 4465), the Federal Real Property Assistance Program (FRPAP) is required to review Title V applications in two distinct phases. An applicant is provided seventy-five (75) days to submit an initial application. Upon receipt of the initial application, the FRPAP has ten days to review the application and provide an initial determination. Applications are initially reviewed on the basis of four evaluation criteria: Services Offered, Need, Implementation Time, and Experience. If HHS determines that the applicant met those four evaluation criteria, the applicant is given forty-five (45) days to present a final application containing a reasonable financial plan for FRPAP's review and determination.

Attached is an application packet which contains instructions for completing an initial application to acquire surplus property. The applicant must complete all items of the application packet, excluding items 4.(B), 4.(C), 4.(D) and 4.(E), which pertain to the applicant's proposed financial plan, including funding sources. This initial application is due no later than Tuesday, December 26, 2017. If HHS determines the applicant met the initial four review criteria, HHS will notify you by letter. At that time, the applicant will be given 45 days to submit a reasonable financial plan.

Please return an initial application, by the stated due date, to [rpb@psc.gov](mailto:rpb@psc.gov). If the application is too large to send as a PDF via email or you do not have the ability to send by email, please contact our office immediately. We will provide you the appropriate physical address to send a hardcopy.

Please note that significant costs may be associated with acquisition of real property and establishment of the proposed program. These expenses may include, but are not limited to the following: facility improvements, property surveys, environmental assessments, lead-based paint and/or asbestos abatements. Please be aware that applicants may identify possible sources of Federal funding through the publication Federal Programs to Help Homeless People (1993), produced by the Interagency Council on Homelessness (ICH). You may obtain a copy by visiting the HUD User Web Store at [http://webstore.huduser.org/catalog/product\\_info.php/cPath/2/prodcuts\\_iU7548](http://webstore.huduser.org/catalog/product_info.php/cPath/2/prodcuts_iU7548).

You will be notified in writing, the results of our review and determination. Please note, however, that the Department of Health and Human Services (DHHS) does not have the final authority for disposition of the property. The General Services Administration, subsequent to HHS's determination, must assign the property to HHS before it can be conveyed.

For general information on the application process, please contact RPMS staff on (301) 443-2265. However, if you have specific questions regarding the property (e.g., acreage, floor plans, site visit, etc.), and/or are interested in a tour, please contact Mr. William Morgan, Project Manager, Real Property Utilization and Disposal Division 7PZ, U.S. General Services Administration, 819 Taylor St., Fort Worth, Texas 76107; telephone, (817) 978-4239; email, [william.morgan@gsa.gov](mailto:william.morgan@gsa.gov).

Regards,

Theresa Ritta

Office: (301) 443-6672

Mobile: (b) (6)

-----Original Message-----

From: [XeroxRoom12-07@psc.hhs.gov](mailto:XeroxRoom12-07@psc.hhs.gov) [mailto:[XeroxRoom12-07@psc.hhs.gov](mailto:XeroxRoom12-07@psc.hhs.gov)]

Sent: Wednesday, October 11, 2017 3:39 PM

4/30/2018

GSA.gov Mail - 59 Acres +/- (P) of the Denver Federal Center, Lakewood, CO (7-G-CO-0441-21-AJ)

To: Ritta, Theresa (PSC/RLO/RPMS)

Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: machine location not set

Device Name: XRX0000AAD45329

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

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**4 attachments**



**Scanned from a Xerox multifunction device001.pdf**

28K



**Homeless Notice\_Lakewood CO - DFC 10-6-17.pdf**

122K



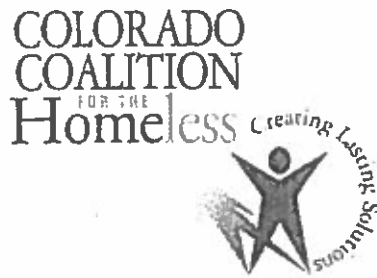
**2016 FPAP Title V application.pdf**

348K



**45 CFR 12a.pdf**

1147K



October 6, 2017

Chief, Real Management Branch  
Division of Property Management, PSC  
U.S. Department of Health and Human Services  
Parklawn Building, Room 5B-17  
5600 Fishers Lane  
Rockville, MD 20857

**Re: Name of Facility:** 59 Acre Portion of the Denver  
Federal Center; Intersection of  
Union Blvd. & W. 4th Ave.  
**City, County, State:** Lakewood, Jefferson County CO 80225  
**GSA No. :** 7-G-CO-0441-21-AJ  
**Publicaiton Date:** October 6, 2017

Dear Chief, Real Management Branch:

**The Colorado Coalition for the Homeless** is a nonprofit organization, tax exempt under 501(c)(3) of the 1986 Internal Revenue Code, that provides a variety of homeless services.

**Colorado Coalition for the Homeless** is interested in acquiring the above-referenced property to provide supportive housing and supportive services to homeless individuals. Please send application materials to:

**John Parvensky, President**  
**Colorado Coalition for the Homeless**  
**2111 Champa Street**  
**Denver, CO 80205**

Should you have any questions or need additional information, please contact me at 303.285.5204 or <http://coloradocoalition.org>

Thank you for your consideration to this request.

Sincerely yours,

(b) (6)

John Parvensky  
303.285.5204

(b) (6)

# **PART 12a—USE OF FEDERAL REAL PROPERTY TO ASSIST THE HOMELESS**

## **Sec.**

- 12a.1 Definitions.
- 12a.2 Applicability.
- 12a.3 Collecting the information.
- 12a.4 Suitability determination.
- 12a.5 Real property reported excess to GSA.
- 12a.6 Suitability criteria.
- 12a.7 Determination of availability.
- 12a.8 Public notice of determination.
- 12a.9 Application process.
- 12a.10 Action on approved applications.
- 12a.11 Unsuitable properties.
- 12a.12 No applications approved.

**AUTHORITY:** 42 U.S.C. 11411; 40 U.S.C. 484(k); 42 U.S.C. 3535(d).

**SOURCE:** 56 FR 23794, 23795, May 24, 1991, unless otherwise noted.

**EFFECTIVE DATE NOTE:** At 56 FR 23794, 23795, May 24, 1991, part 12a was added, effective May 24, 1991, except for §12a.3, which will not become effective until approved by the District Court for the District of Columbia, pending further proceedings.

## **§12a.1 Definitions.**

**Applicant** means any representative of the homeless which has submitted an application to the Department of Health and Human Services to obtain use of a particular suitable property to assist the homeless.

**Checklist or property checklist** means the form developed by HUD for use by landholding agencies to report the information to be used by HUD in making determinations of suitability.

**Classification** means a property's designation as unutilized, underutilized, excess, or surplus.

**Day** means one calendar day including weekends and holidays.

**Eligible organization** means a State, unit of local government or a private non-profit organization which provides assistance to the homeless, and which is authorized by its charter or by State law to enter into an agreement with the Federal government for use of real property for the purposes of this subpart. Representatives of the homeless interested in receiving a deed for a particular piece of surplus Federal property must be section 501(c)(3) tax exempt.

**Excess property** means any property under the control of any Federal execu-

tive agency that is not required for the agency's needs or the discharge of its responsibilities, as determined by the head of the agency pursuant to 40 U.S.C. 483.

**GSA** means the General Services Administration.

**HHS** means the Department of Health and Human Services.

**Homeless** means:

(1) An individual or family that lacks a fixed, regular, and adequate nighttime residence; and

(2) An individual or family that has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.

**HUD** means the Department of Housing and Urban Development.

**ICH** means the Interagency Council on the Homeless.

**Landholding agency** means a Federal department or agency with statutory authority to control real property.

**Lease** means an agreement between either the Department of Health and Human Services for surplus property, or landholding agencies in the case of non-excess properties or properties subject to the Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687), and the applicant, giving rise to the relationship of lessor and lessee for the use of Federal real property for a term of at least one year under the conditions set forth in the lease document.

**Non-profit organization** means an organization no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; that has a voluntary board; that has an accounting system or has designated an entity that will maintain a functioning accounting system

## Department of Health and Human Services

## § 12a.3

for the organization in accordance with generally accepted accounting procedures; and that practices non-discrimination in the provision of assistance.

*Permit* means a license granted by a landholding agency to use unutilized or underutilized property for a specific amount of time under terms and conditions determined by the landholding agency.

*Property* means real property consisting of vacant land or buildings, or a portion thereof, that is excess, surplus, or designated as unutilized or underutilized in surveys by the heads of landholding agencies conducted pursuant to section 202(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(b)(2).)

*Regional Homeless Coordinator* means a regional coordinator of the Inter-agency Council on the Homeless.

*Representative of the Homeless* means a State or local government agency, or private nonprofit organization which provides, or proposes to provide, services to the homeless.

*Screen* means the process by which GSA surveys Federal agencies, or State, local and non-profit entities, to determine if any such entity has an interest in using excess Federal property to carry out a particular agency mission or a specific public use.

*State Homeless Coordinator* means a state contact person designated by a state to receive and disseminate information and communications received from the Interagency Council on the Homeless in accordance with section 210(a) of the Stewart B. McKinney Act of 1987, as amended.

*Suitable property* means that HUD has determined that a particular property satisfies the criteria listed in § 12a.6.

*Surplus property* means any excess real property not required by any Federal landholding agency for its needs or the discharge of its responsibilities, as determined by the Administrator of GSA.

*Underutilized* means an entire property or portion thereof, with or without improvements which is used only at irregular periods or intermittently by the accountable landholding agency for current program purposes of that agency, or which is used for current

program purposes that can be satisfied with only a portion of the property.

*Unsuitable property* means that HUD has determined that a particular property does not satisfy the criteria in § 12a.6.

*Unutilized property* means an entire property or portion thereof, with or without improvements, not occupied for current program purposes for the accountable executive agency or occupied in caretaker status only.

### § 12a.2 Applicability.

(a) This part applies to Federal real property which has been designated by Federal landholding agencies as unutilized, underutilized, excess or surplus and is therefore subject to the provisions of title V of the McKinney Act (42 U.S.C. 11411).

(b) The following categories of properties are not subject to this subpart (regardless of whether they may be unutilized or underutilized).

(1) Machinery and equipment.

(2) Government-owned, contractor-operated machinery, equipment, land, and other facilities reported excess for sale only to the using contractor and subject to a continuing military requirement.

(3) Properties subject to special legislation directing a particular action.

(4) Properties subject to a Court Order.

(5) Property not subject to survey requirements of Executive Order 12512 (April 29, 1985).

(6) Mineral rights interests.

(7) Air Space interests.

(8) Indian Reservation land subject to section 202(a)(2) of the Federal Property and Administrative Service Act of 1949, as amended.

(9) Property interests subject to reversion.

(10) Easements.

(11) Property purchased in whole or in part with Federal funds if title to the property is not held by a Federal landholding agency as defined in this Part.

### § 12a.3 Collecting the information.

(a) *Canvass of landholding agencies.* On a quarterly basis, HUD will canvass

#### § 12a.4

landholding agencies to collect information about property described as unutilized, underutilized, excess, or surplus, in surveys conducted by the agencies under section 202 of the Federal Property and Administrative Services Act (40 U.S.C. 483), Executive Order 12512, and 41 CFR part 101-47.800. Each canvass will collect information on properties not previously reported and about property reported previously the status or classification of which has changed or for which any of the information reported on the property checklist has changed.

(1) HUD will request descriptive information on properties sufficient to make a reasonable determination, under the criteria described below, of the suitability of a property for use as a facility to assist the homeless.

(2) HUD will direct landholding agencies to respond to requests for information within 25 days of receipt of such requests.

(b) *Agency Annual Report.* By December 31 of each year, each landholding agency must notify HUD regarding the current availability status and classification of each property controlled by the agency that:

(1) Was included in a list of suitable properties published that year by HUD, and

(2) Remains available for application for use to assist the homeless, or has become available for application during that year.

(c) *GSA Inventory.* HUD will collect information, in the same manner as described in paragraph (a) of this section, from GSA regarding property that is in GSA's current inventory of excess or surplus property.

(d) *Change in Status.* If the information provided on the property checklist changes subsequent to HUD's determination of suitability, and the property remains unutilized, underutilized, excess or surplus, the landholding agency shall submit a revised property checklist in response to the next quarterly canvass. HUD will make a new determination of suitability and, if it differs from the previous determination, republish the property information in the FEDERAL REGISTER. For example, property determined unsuitable for national security concerns may no

#### 45 CFR Subtitle A (10-1-03 Edition)

longer be subject to security restrictions, or property determined suitable may subsequently be found to be contaminated.

#### § 12a.4 Suitability determination.

(a) *Suitability determination.* Within 30 days after the receipt of information from landholding agencies regarding properties which were reported pursuant to the canvass described in § 12a.3(a), HUD will determine, under criteria set forth in § 12a.6, which properties are suitable for use as facilities to assist the homeless and report its determination to the landholding agency. Properties that are under lease, contract, license, or agreement by which a Federal agency retains a real property interest or which are scheduled to become unutilized or underutilized will be reviewed for suitability no earlier than six months prior to the expected date when the property will become unutilized or underutilized, except that properties subject to the Base Closure and Realignment Act may be reviewed up to eighteen months prior to the expected date when the property will become unutilized or underutilized.

(b) *Scope of suitability.* HUD will determine the suitability of a property for use as a facility to assist the homeless without regard to any particular use.

(c) *Environmental information.* HUD will evaluate the environmental information contained in property checklists forwarded to HUD by the landholding agencies solely for the purpose of determining suitability of properties under the criteria in § 12a.6.

(d) *Written record of suitability determination.* HUD will assign an identification number to each property reviewed for suitability. HUD will maintain a written public record of the following:

(1) The suitability determination for a particular piece of property, and the reasons for that determination; and

(2) The landholding agency's response to the determination pursuant to the requirements of § 12a.7(a).

(e) *Property determined unsuitable.* Property that is reviewed by HUD under this section and that is determined unsuitable for use to assist the homeless may not be made available

for any other purpose for 20 days after publication in the FEDERAL REGISTER of a Notice of unsuitability to allow for review of the determination at the request of a representative of the homeless.

(f) *Procedures for appealing unsuitability determinations.* (1) To request review of a determination of unsuitability, a representative of the homeless must contact HUD within 20 days of publication of notice in the FEDERAL REGISTER that a property is unsuitable. Requests may be submitted to HUD in writing or by calling 1-800-927-7588 (Toll Free). Written requests must be received no later than 20 days after notice of unsuitability is published in the FEDERAL REGISTER.

(2) Requests for review of a determination of unsuitability may be made only by representatives of the homeless, as defined in § 12a.1.

(3) The request for review must specify the grounds on which it is based, i.e., that HUD has improperly applied the criteria or that HUD has relied on incorrect or incomplete information in making the determination (e.g., that property is in a floodplain but not in a floodway).

(4) Upon receipt of a request to review a determination of unsuitability, HUD will notify the landholding agency that such a request has been made, request that the agency respond with any information pertinent to the review, and advise the agency that it should refrain from initiating disposal procedures until HUD has completed its reconsideration regarding unsuitability.

(i) HUD will act on all requests for review within 30 days of receipt of the landholding agency's response and will notify the representative of the homeless and the landholding agency in writing of its decision.

(ii) If a property is determined suitable as a result of the review, HUD will request the landholding agency's determination of availability pursuant to § 12a.7(a), upon receipt of which HUD will promptly publish the determination in the FEDERAL REGISTER. If the determination of unsuitability stands, HUD will inform the representative of the homeless of its decision.

**§ 12a.5 Real property reported excess to GSA.**

(a) Each landholding agency must submit a report to GSA of properties it determines excess. Each landholding agency must also provide a copy of HUD's suitability determination, if any, including HUD's identification number for the property.

(b) If a landholding agency reports a property to GSA which has been reviewed by HUD for homeless assistance suitability and HUD determined the property suitable, GSA will screen the property pursuant to § 12a.5(g) and will advise HUD of the availability of the property for use by the homeless as provided in § 12a.5(e). In lieu of the above, GSA may submit a new checklist to HUD and follow the procedures in § 12a.5(c) through § 12a.5(g).

(c) If a landholding agency reports a property to GSA which has not been reviewed by HUD for homeless assistance suitability, GSA will complete a property checklist, based on information provided by the landholding agency, and will forward this checklist to HUD for a suitability determination. This checklist will reflect any change in classification, i.e., from unutilized or underutilized to excess.

(d) Within 30 days after GSA's submission, HUD will advise GSA of the suitability determination.

(e) When GSA receives a letter from HUD listing suitable excess properties in GSA's inventory, GSA will transmit to HUD within 45 days a response which includes the following for each identified property:

(1) A statement that there is no other compelling Federal need for the property, and therefore, the property will be determined surplus; or

(2) A statement that there is further and compelling Federal need for the property (including a full explanation of such need) and that, therefore, the property is not presently available for use to assist the homeless.

(f) When an excess property is determined suitable and available and notice is published in the FEDERAL REGISTER, GSA will concurrently notify HHS, HUD, State and local government units, known homeless assistance providers that have expressed interest in

#### § 12a.6

the particular property, and other organizations, as appropriate, concerning suitable properties.

(g) Upon submission of a Report of Excess to GSA, GSA may screen the property for Federal use. In addition, GSA may screen State and local governmental units and eligible nonprofit organizations to determine interest in the property in accordance with current regulations. (See 41 CFR 101-47.203-5, 101-47.204-1 and 101-47.303-2.)

(h) The landholding agency will retain custody and accountability and will protect and maintain any property which is reported excess to GSA as provided in 41 CFR 101-47.402.

#### § 12a.6 Suitability criteria.

(a) All properties, buildings and land will be determined suitable unless a property's characteristics include one or more of the following conditions:

(1) *National security concerns.* A property located in an area to which the general public is denied access in the interest of national security (e.g., where a special pass or security clearance is a condition of entry to the property) will be determined unsuitable. Where alternative access can be provided for the public without compromising national security, the property will not be determined unsuitable on this basis.

(2) *Property containing flammable or explosive materials.* A property located within 2000 feet of an industrial, commercial or Federal facility handling flammable or explosive material (excluding underground storage) will be determined unsuitable. Above ground containers with a capacity of 100 gallons or less, or larger containers which provide the heating or power source for the property, and which meet local safety, operation, and permitting standards, will not affect whether a particular property is determined suitable or unsuitable. Underground storage, gasoline stations and tank trucks are not included in this category and their presence will not be the basis of an unsuitability determination unless there is evidence of a threat to personal safety as provided in paragraph (a)(5) of this section.

(3) *Runway clear zone and military airfield clear zone.* A property located

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within an airport runway clear zone or military airfield clear zone will be determined unsuitable.

(4) *Floodway.* A property located in the floodway of a 100 year floodplain will be determined unsuitable. If the floodway has been contained or corrected, or if only an incidental portion of the property not affecting the use of the remainder of the property is in the floodway, the property will not be determined unsuitable.

(5) *Documented deficiencies.* A property with a documented and extensive condition(s) that represents a clear threat to personal physical safety will be determined unsuitable. Such conditions may include, but are not limited to, contamination, structural damage or extensive deterioration, friable asbestos, PCB's, or natural hazardous substances such as radon, periodic flooding, sinkholes or earth slides.

(6) *Inaccessible.* A property that is inaccessible will be determined unsuitable. An inaccessible property is one that is not accessible by road (including property on small off-shore islands) or is land locked (e.g., can be reached only by crossing private property and there is no established right or means of entry).

#### § 12a.7 Determination of availability.

(a) Within 45 days after receipt of a letter from HUD pursuant to § 12a.4(a), each landholding agency must transmit to HUD a statement of one of the following:

(i) In the case of unutilized or underutilized property:

(i) An intention to declare the property excess,

(ii) An intention to make the property available for use to assist the homeless, or

(iii) The reasons why the property cannot be declared excess or made available for use to assist the homeless. The reasons given must be different than those listed as suitability criteria in § 12a.6.

(2) In the case of excess property which had previously been reported to GSA:

(i) A statement that there is no compelling Federal need for the property, and that, therefore, the property will be determined surplus; or

(ii) A statement that there is a further and compelling Federal need for the property (including a full explanation of such need) and that, therefore, the property is not presently available for use to assist the homeless.

**§ 12a.8 Public notice of determination.**

(a) No later than 15 days after the last 45 day period has elapsed for receiving responses from the landholding agencies regarding availability, HUD will publish in the FEDERAL REGISTER a list of all properties reviewed, including a description of the property, its address, and classification. The following designations will be made:

(1) Properties that are suitable and available.

(2) Properties that are suitable and unavailable.

(3) Properties that are suitable and to be declared excess.

(4) Properties that are unsuitable.

(b) Information about specific properties can be obtained by contacting HUD at the following toll free number, 1-800-927-7588.

(c) HUD will transmit to the ICH a copy of the list of all properties published in the FEDERAL REGISTER. The ICH will immediately distribute to all state and regional homeless coordinators area-relevant portions of the list. The ICH will encourage the state and regional homeless coordinators to disseminate this information widely.

(d) No later than February 15 of each year, HUD shall publish in the FEDERAL REGISTER a list of all properties reported pursuant to § 12a.3(b).

(e) HUD shall publish an annual list of properties determined suitable but which agencies reported unavailable including the reasons such properties are not available.

(f) Copies of the lists published in the FEDERAL REGISTER will be available for review by the public in the HUD headquarters building library (room 8141); area-relevant portions of the lists will be available in the HUD regional offices and in major field offices.

**§ 12a.9 Application process.**

(a) *Holding period.* (1) Properties published as available for application for use to assist the homeless shall not be

available for any other purpose for a period of 60 days beginning on the date of publication. Any representative of the homeless interested in any underutilized, unutilized, excess or surplus Federal property for use as a facility to assist the homeless must send to HHS a written expression of interest in that property within 60 days after the property has been published in the FEDERAL REGISTER.

(2) If a written expression of interest to apply for suitable property for use to assist the homeless is received by HHS within the 60 day holding period, such property may not be made available for any other purpose until the date HHS or the appropriate landholding agency has completed action on the application submitted pursuant to that expression of interest.

(3) The expression of interest should identify the specific property, briefly describe the proposed use, include the name of the organization, and indicate whether it is a public body or a private non-profit organization. The expression of interest must be sent to the Division of Health Facilities Planning (DHFP) of the Department of Health and Human Services at the following address:

Director, Division of Health Facilities Planning, Public Health Service, Room 17A-10, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

HHS will notify the landholding agency (for unutilized and underutilized properties) or GSA (for excess and surplus properties) when an expression of interest has been received for a particular property.

(4) An expression of interest may be sent to HHS any time after the 60 day holding period has expired. In such a case, an application submitted pursuant to this expression of interest may be approved for use by the homeless if:

(i) No application or written expression of interest has been made under any law for use of the property for any purpose; and

(ii) In the case of excess or surplus property, GSA has not received a bona fide offer to purchase that property or advertised for the sale of the property by public auction.

(b) *Application Requirements.* Upon receipt of an expression of interest, DHFP will send an application packet to the interested entity. The application packet requires the applicant to provide certain information, including the following—

(1) *Description of the applicant organization.* The applicant must document that it satisfies the definition of a "representative of the homeless," as specified in § 12a.1 of this subpart. The applicant must document its authority to hold real property. Private non-profit organizations applying for deeds must document that they are section 501(c)(3) tax-exempt.

(2) *Description of the property desired.* The applicant must describe the property desired and indicate that any modifications made to the property will conform to local use restrictions except for local zoning regulations.

(3) *Description of the proposed program.* The applicant must fully describe the proposed program and demonstrate how the program will address the needs of the homeless population to be assisted. The applicant must fully describe what modifications will be made to the property before the program becomes operational.

(4) *Ability to finance and operate the proposed program.* The applicant must specifically describe all anticipated costs and sources of funding for the proposed program. The applicant must indicate that it can assume care, custody, and maintenance of the property and that it has the necessary funds or the ability to obtain such funds to carry out the approved program of use for the property.

(5) *Compliance with non-discrimination requirements.* Each applicant and lessee under this part must certify in writing that it will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations; and as applicable, Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations; title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d to d-4) (Non-discrimination in Federally Assisted Programs) and implementing regulations; the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42

U.S.C. 6101-6107) and implementing regulations; and the prohibitions against otherwise qualified individuals with handicaps under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations. The applicant must state that it will not discriminate on the basis of race, color, national origin, religion, sex, age, familial status, or handicap in the use of the property, and will maintain the required records to demonstrate compliance with Federal laws.

(6) *Insurance.* The applicant must certify that it will insure the property against loss, damage, or destruction in accordance with the requirements of 45 CFR 12.9.

(7) *Historic preservation.* Where applicable, the applicant must provide information that will enable HHS to comply with Federal historic preservation requirements.

(8) *Environmental information.* The applicant must provide sufficient information to allow HHS to analyze the potential impact of the applicant's proposal on the environment, in accordance with the instructions provided with the application packet. HHS will assist applicants in obtaining any pertinent environmental information in the possession of HUD, GSA, or the landholding agency.

(9) *Local government notification.* The applicant must indicate that it has informed the applicable unit of general local government responsible for providing sewer, water, police, and fire services, in writing of its proposed program.

(10) *Zoning and Local Use Restrictions.* The applicant must indicate that it will comply with all local use restrictions, including local building code requirements. Any applicant which applies for a lease or permit for a particular property is not required to comply with local zoning requirements. Any applicant applying for a deed of a particular property, pursuant to § 12a.9(b)(3), must comply with local zoning requirements, as specified in 45 CFR part 12.

(c) *Scope of evaluations.* Due to the short time frame imposed for evaluating applications, HHS' evaluation will, generally, be limited to the information contained in the application.

(d) *Deadline.* Completed applications must be received by DHFP, at the above address, within 90 days after an expression of interest is received from a particular applicant for that property. Upon written request from the applicant, HHS may grant extensions, provided that the appropriate landholding agency concurs with the extension. Because each applicant will have a different deadline based on the date the applicant submitted an expression of interest, applicants should contact the individual landholding agency to confirm that a particular property remains available prior to submitting an application.

(e) *Evaluations.* (i) Upon receipt of an application, HHS will review it for completeness, and, if incomplete, may return it or ask the applicant to furnish any missing or additional required information prior to final evaluation of the application.

(2) HHS will evaluate each completed application within 25 days of receipt and will promptly advise the applicant of its decision. Applications are evaluated on a first-come, first-serve basis. HHS will notify all organizations which have submitted expressions of interest for a particular property regarding whether the first application received for that property has been approved or disapproved. All applications will be reviewed on the basis of the following elements, which are listed in descending order of priority, except that paragraphs (e)(2)(iv) and (e)(2)(v) of this section are of equal importance.

(i) *Services offered.* The extent and range of proposed services, such as meals, shelter, job training, and counseling.

(ii) *Need.* The demand for the program and the degree to which the available property will be fully utilized.

(iii) *Implementation Time.* The amount of time necessary for the proposed program to become operational.

(iv) *Experience.* Demonstrated prior success in operating similar programs and recommendations attesting to that fact by Federal, State, and local authorities.

(v) *Financial Ability.* The adequacy of funding that will likely be available to

run the program fully and properly and to operate the facility.

(3) Additional evaluation factors may be added as deemed necessary by HHS. If additional factors are added, the application packet will be revised to include a description of these additional factors.

(4) If HHS receives one or more competing applications for a property within 5 days of the first application HHS will evaluate all completed applications simultaneously. HHS will rank approved applications based on the elements listed in § 12a.8(e)(2), and notify the landholding agency, or GSA, as appropriate, of the relative ranks.

(Approved by the Office of Management and Budget under control number 0937-0191)

#### § 12a.10 Action on approved applications.

(a) *Unutilized and underutilized properties.*

(1) When HHS approves an application, it will so notify the applicant and forward a copy of the application to the landholding agency. The landholding agency will execute the lease, or permit document, as appropriate, in consultation with the applicant.

(2) The landholding agency maintains the discretion to decide the following:

(i) The length of time the property will be available. (Leases and permits will be for a period of at least one year unless the applicant requests a shorter term.)

(ii) Whether to grant use of the property via a lease or permit;

(iii) The terms and conditions of the lease or permit document.

(b) *Excess and surplus properties.* (1) When HHS approves an application, it will so notify the applicant and request that GSA assign the property to HHS for leasing. Upon receipt of the assignment, HHS will execute a lease in accordance with the procedures and requirements set out in 45 CFR part 12. In accordance with 41 CFR 101-47.402, custody and accountability of the property will remain throughout the lease term with the agency which initially reported the property as excess.

(2) Prior to assignment to HHS, GSA may consider other Federal uses and

## § 12a.11

other important national needs; however, in deciding the disposition of surplus real property, GSA will generally give priority of consideration to uses to assist the homeless. GSA may consider any competing request for the property made under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) that is so meritorious and compelling that it outweighs the needs of the homeless, and HHS may likewise consider any competing request made under subsection 203(k)(1) of that law.

(3) Whenever GSA or HHS decides in favor of a competing request over a request for property for homeless assistance use as provided in paragraph (b)(2) of this section, the agency making the decision will transmit to the appropriate committees of the Congress an explanatory statement which details the need satisfied by conveyance of the surplus property, and the reasons for determining that such need was so meritorious and compelling as to outweigh the needs of the homeless.

(4) *Deeds.* Surplus property may be conveyed to representatives of the homeless pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)), and section 501(f) of the McKinney Act as amended, 42 U.S.C. 11411. Representatives of the homeless must complete the application packet pursuant to the requirements of § 12a.9 of this part and in accordance with the requirements of 45 CFR part 12.

(c) *Completion of Lease Term and Reversion of Title.* Lessees and grantees will be responsible for the protection and maintenance of the property during the time that they possess the property. Upon termination of the lease term or reversion of title to the Federal government, the lessee or grantee will be responsible for removing any improvements made to the property and will be responsible for restoration of the property. If such improvements are not removed, they will become the property of the Federal government. GSA or the landholding agency, as appropriate, will assume responsibility for protection and maintenance of a property when the lease terminates or title reverts.

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### § 12a.11 Unsuitable properties.

The landholding agency will defer, for 20 days after the date that notice of a property is published in the FEDERAL REGISTER, action to dispose of properties determined unsuitable for homeless assistance. HUD will inform landholding agencies or GSA if appeal of an unsuitability determination is filed by a representative of the homeless pursuant to § 12a.4(f)(4). HUD will advise the agency that it should refrain from initiating disposal procedures until HUD has completed its reconsideration process regarding unsuitability. Thereafter, or if no appeal has been filed after 20 days, GSA or the appropriate landholding agency may proceed with disposal action in accordance with applicable law.

### § 12a.12 No applications approved.

(a) At the end of the 60 day holding period described in § 12a.9(a), HHS will notify GSA, or the landholding agency, as appropriate, if an expression of interest has been received for a particular property. Where there is no expression of interest, GSA or the landholding agency, as appropriate, will proceed with disposal in accordance with applicable law.

(b) Upon advice from HHS that all applications have been disapproved, or if no completed applications or requests for extensions have been received by HHS within 90 days from the date of the last expression of interest, disposal may proceed in accordance with applicable law.

## PART 13—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

### Subpart A—General Provisions

#### Sec.

- 13.1 Purpose of these rules.
- 13.2 When these rules apply.
- 13.3 Proceedings covered.
- 13.4 Eligibility of applicants.
- 13.5 Standards for awards.
- 13.6 Allowable fees and expenses.
- 13.7 Studies, exhibits, analyses, engineering reports, tests and projects.

# **APPLICATION INSTRUCTION BOOKLET**

**FOR THE**

**DEPARTMENT OF HEALTH & HUMAN SERVICES  
FEDERAL PROPERTY ASSISTANCE PROGRAM  
HOMELESS**

**PROGRAM SUPPORT CENTER**

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## PROGRAM FACT SHEET

- The Federal Property Assistance Program (FPAP), under the authority of the Federal Property and Administrative Services Act of 1949, transfers surplus Federal property to eligible local governments and non-profit organizations for various public benefit purposes, including those overseen by the Department of Health and Human Services (HHS); Public Health and Homeless.
- In 1987 Congress passed the McKinney-Vento Homeless Assistance Act, of which Title V utilizes the existing FPAP structure to make the conveyance of surplus properties to providers of homeless assistance services a priority over other means of property disposal to non-Federal entities.
- As amended, Title V of the McKinney-Vento Act makes excess/surplus Federal property found suitable by the Department of Housing and Urban Development (HUD) available to assist persons experiencing homelessness at no cost, not including fees or costs in connection with the transfer of the property (e.g., local recordation fees).
- Property found excess due to Base Realignment and Closure (BRAC) is not included in the scope of Title V; rather, it is under the scope of a Local Redevelopment Authority (LRA).
- HHS has overseen the transfer of properties for a wide range of homeless uses, including, but not limited too:
  - Temporary or transitional housing;
  - Counseling services;
  - Healthcare services;
  - Administrative offices for organizations that support persons experiencing homelessness;
  - Permanent supportive housing (long-term housing linked to appropriate supportive health and social services);
  - Emergency shelters;
  - Food banks;
  - Women's shelters; and
  - Homeless services for Veterans.
- Please note that permanent housing that does not have a support aspect (e.g. mental health services or continual medical care) **does not** qualify as an eligible use.

#### **PROGRAM CONDITIONS SUBSEQUENT TO CONVEYANCE**

**HHS transfers real property by quitclaim deed or lease, which are subject to the following conditions contained in the conveyance instrument:**

1. Grantee must utilize the property in accordance with their approved application for a period of thirty (30) years from the date of the initial deed.
2. Where construction or major renovation is not required or proposed, grantee must put the Property into use within twelve (12) months from the date of the deed. Where grantee contemplates construction or major renovation at the time of transfer, grantee must put the Property into use within thirty-six (36) months from the date of the deed.
3. Grantee may not sell, lease, sublease, or otherwise encumber the property without prior written consent of the grantor.
4. Grantee must submit annual utilization reports.
5. Grantee must comply with section 606 of the Federal Property and Administrative Services Act of 1949; the Fair Housing Act (42 U.S.C. § 3601-19); Executive Order 11063 (Equal Opportunity in Housing), as applicable; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federal Assisted Programs); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07); the prohibitions against otherwise qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); and the Architectural Barriers Act Accessibility Standards (ABAAS) (36 CFR 1191, Appendices C and D); all implementing regulations of the above listed statutes, including all requirements imposed by or pursuant to the regulations of the Grantor (45 CFR Parts 12, 80, 84 and 91) issued pursuant to said Acts and now in effect.
6. Grantee must remain tax supported or a nonprofit tax-exempt organization under section 501(c)(3) of the IRS Code of 1986, as amended, throughout the period of restrictions.

**Upon breach of any of the conditions subsequent contained in the deed of conveyance, title may revert to the Government. The grantor may also permit the grantee to abrogate the conditions by:**

1. Obtaining the consent of the grantor, or its successor in function, and
2. Making payment to the United States of America of 1/360th of the percentage public benefit allowance granted of the fair market value as of the date of such requested abrogation, exclusive of the value of improvements made by the grantee to the extent that they add to the value of that portion of the Property to be released, for each month of the period to be abrogated.

**NOTE:** Other covenants and conditions may be required in the conveyance instrument for such concerns as lead-based paint, environmental condition of the property, historical preservation issues, etc.

### CRITERIA FOR APPLICATION REVIEW

Organizations are eligible to submit applications if they are a State, unit of local government, or a private non-profit organization (must be a registered 501(c)(3) tax-exempt organization) that serves persons experiencing homelessness. HHS evaluates applications from eligible organizations on the basis of the following factors:

- A. Services offered – The extent and range of proposed services such as meals, shelter, job training, and counseling.
  - a. The above is not an exhaustive list; other services are considered as they are proposed, including administrative, as long as the program serves persons experiencing homelessness.
  - b. Services provided to low-income persons are not eligible programs; the clientele served must be homeless persons as defined in 45 C.F.R. Part 12a.
- B. Need – The demand for the program and the degree to which the available property will be fully utilized.
  - a. The demand for the program is measured against the current homeless services provided and the number of homeless persons residing in the local community.
  - b. Fully utilized includes making the best use of the entire property and any existing or proposed structures, including full use of available building space.
- C. Implementation Time – The amount of time necessary for the proposed program to become operational.
  - a. Please note that all deeds/leases include a clause that requires full utilization of the property within twelve (12) months from the date of the deed, unless major construction/renovation is required, in which case the grantee/lessee would have thirty-six (36) months from the date of the deed.
  - b. If the applicable time limitation is not met, the grantee/lessee shall either commence payments in cash to HHS for each month thereafter during which the proposed use has not been implemented or take such action as set forth in 45 C.F.R. Part 12.12 and as deemed appropriate by the Department.
- D. Experience – Demonstrated prior success in operating similar programs and recommendations attesting to that fact by local, State, and Federal authorities.
  - a. Any recommendations should address the applicant's prior successes and their ability to operate past programs.
- E. Financial Ability – The adequacy of funding that will likely be available to run the program fully and properly, and to operate the facility.

**APPLICATION INSTRUCTIONS  
FEDERAL PROPERTY ASSISTANCE PROGRAM  
HOMELESS PURPOSES**

**(ON SITE)**

Please provide complete responses to *each* item in the application format. For ease of reference, begin each response with its respective item number and heading. In an instance where a request for information is not applicable to your program, please include the heading and state "Not Applicable." A good presentation of an application reflects a well thought out plan and objective for the property.

You must submit an original and two (2) copies of the application, along with all attachments.

Applications determined incomplete will either result in a disapproval of the application or a request for additional information. It is to the applicant's benefit to err on the side of providing too much information as opposed to omitting information or not providing enough detail. It is the applicant's responsibility to ensure their application presents all the information requested in a detailed and complete manner.

Submit completed applications to the Department of Health and Human Services' office listed below by the date specified in the accompanying transmittal letter. If the applicant cannot meet this date, HHS will consider requests for extensions.

Real Property Management Services  
Program Support Center  
7700 Wisconsin Avenue, Suite 8216  
Bethesda, Maryland 20814

If you have any difficulties with the application, or have other questions or concerns, please contact a Realty Specialist at (301)443-2265 or [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov).

### APPLICATION CHECKLIST

Please use the following checklist to ensure that your application is complete before sending it to HHS. If HHS finds an application to be incomplete, HHS may deny the application.

- \_\_\_ 1. Provide a detailed response to items 1-4 of the application
- \_\_\_ 2. Notify all appropriate units of local government
- \_\_\_ 3. Certify accuracy of application by signing item 7 of the application
- \_\_\_ 4. Attach any requested documents, along with other documents the applicant feels will present a more complete understanding of the proposed use of the property
- \_\_\_ 5. Certify applicant's compliance with applicable Federal laws, insurance requirements, and protection and maintenance standards of the property by signing **Attachment A**
- \_\_\_ 6. Complete and sign the Resolution to Acquire Property in **Attachment B**
- \_\_\_ 7. Complete and certify the Environmental Questionnaire in **Attachment C**
- \_\_\_ 8. Provide copies of all relevant documentation for the Environmental Questionnaire
- \_\_\_ 9. Provide one original and two copies of the completed application, including all requested attachments

## **APPLICATION FORMAT**

Use the following format to complete your application. Include any supporting documentation as attachments.

- ✓ At the top of the first page state the official name, address of the Federal installation where the surplus property is located (include city, county, and State when giving address), and GSA and/or landholding agency number assigned to the property.
- ✓ Put the GSA and/or landholding agency number assigned to the property at the top of each additional page.

### **1. Description of the Applicant Organization**

- (A) State the legal name of the applicant organization and state whether the applicant is a State, political subdivision of the State, or a private nonprofit organization, tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. If tax exempt, include a copy of the formal exemption letter from the Internal Revenue Service.
- (B) Provide a copy of the document showing statutory or other authority which permits your organization to acquire and hold title to real property for the proposed use. A copy of the applicable citation from the Corporations Division of the Secretary of State's Office, where the applicant is registered, will satisfy this requirement. If the applicant is a nonprofit corporation, present evidence showing said corporation's authorization, under its charter, to hold title to the real estate for which it has applied. Provide a copy of the charter and State certification.
- (C) Give the address and telephone number of applicant organization.
- (D) Give the name, title, and address of the person authorized to complete this purchase. The authorized representative must be the same as named in the governing board resolution.
- (E) Identify all possible lessees, sub-organizations, affiliates, etc., that may participate in and/or operate the proposed program on the requested property, if any.
  - (1) Any organization listed under 1.(E) must meet the same eligibility requirements as the applicant, i.e. the organization must be a State, unit of local government, or a private non-profit organization (must be a registered 501(c)(3) tax-exempt organization) that serves persons experiencing homelessness. Provide documentation as necessary.
  - (2) If any of the above organizations will pay rent to the applicant organization, provide a rental agreement (or draft agreement) detailing the terms of the rental amount. Rent cannot exceed the cost of utilities and maintenance for the space used by the organization paying rent.
  - (3) Provide commitment letters, memorandums of agreement, or any other documentation detailing the planned cooperation between the applicant organization and all organizations listed under 1.(E).

**NOTE:** The collaboration of multiple homeless service providers is permissible in order to increase the services offered by the proposed program and to share in the operation and maintenance of the property. However, one applicant organization should act as the lead organization and submit only one application.

- (F) Indicate whether the applicant organization is accredited, approved, or licensed by a Federal or State accrediting, approving, or licensing authority. If so, give the name of such authority.

**2. Description of Real Property Requested**

- (A) Give a general description of the requested property. The amount of property requested should not exceed normal operating requirements. The description should include the amount of acreage and improvements, e.g., buildings, structures, etc. Identify buildings as follows:

**Bldg. No.: Bldg. Name: Size (square feet):**

**NOTE:** A legal description is not required at this time, but HHS may request it at a future date.

- (B) Give information for items (1), (2), (3), (4) and (5) as applicable:

- (1) State whether requested acquisition is by deed or lease; if by lease, state the desired term of years for the initial lease.

**NOTE:** Unless the applicant makes a showing of need that warrants a longer term, a lease will not exceed ten (10) years with an option to renew the lease for a successive ten (10) years (i.e., no lease will exceed a total of 20 years).

- (2) Indicate any zoning/land use regulations that are applicable to the subject property, and assure that the proposed program will conform to such regulations, as may be required upon transfer of title from the United States.
- (3) State that the renovation of existing buildings (if any), or construction of any new buildings, will meet State and local building codes and/or regulations for the proposed program of use.
- (4) Report the exact description of utilities required and state how arrangements will be made for securing all needed utility services.
- (5) Identify any easements, including overhead and underground, which are reported with the property, or are to be otherwise acquired for use in connection with the property.

- (C) Applicants may generally acquire related personal property included with the available real property if the need and use are specifically included and justified in the application. It is subject to the same discount allowance as the real property for which you have applied. Identify such related personal property by an inventory attached to each copy of the application showing the description, serial number, or other adequate identification. Applicants may obtain this information from the landholding and/or disposal agency.

### 3. Description of the Proposed Program

**NOTE:** An applicant must place the property into its proposed use within 12 months from the date of transfer, or 36 months where new construction or major renovations are required.

- (A) Identify the services the applicant will provide through the use of surplus Federal property, and include:

- (1) The population to be served and service area (e.g. city, county, or state);
- (2) Estimated number of clients to be served in a given year;
- (3) Full range of services provided to program participants;
- (4) Description of housing to be provided (if applicable)

**NOTE:** If an applicant is proposing permanent housing, it must be permanent *supportive* housing, defined as “long-term, affordable, community-based housing that is linked to appropriate supportive health *and* social services that enable homeless individuals and homeless families with disabilities to maintain housing.” For further information, refer to **Attachment E**.

- (5) Description of any rental agreements to be developed between the applicant and prospective clients/residents (if applicable); and

**NOTE:** Any rental agreement (and the description of such an agreement in the application) must contain an assurance that rent will not exceed 30% of the client’s household income. Grantees/lessees must account for all rental income as an identifiable item in fiscal records, and use the income for the approved program from which it derived.

- (6) Description of how the program will link housing and services (if applicable).

- (B) List other facilities in the community that currently offer the same type of service(s) you propose to offer, including the number of clients and/or beds. Provide information to support the need for additional services in the community. **Include any surveys, reports, or other documentation to support your analysis, such as a municipality’s ten-year plan to end homelessness, local reports or surveys on the number of persons without shelter, continuum of care plans, etc.**

- (C) Supply a detailed description of how acquisition of the property will meet the proposed program’s specific use or needs. This must include:

- (1) Any anticipated improvements to the property (e.g. renovations or construction);
- (2) The time required for completion of any improvements and for bringing the property to full utilization;
- (3) A rough floor plan, including:
  - (a) any existing improvements;
  - (b) the location of the proposed services within the building;
  - (c) estimated square footage use of each component of the proposed program; and
  - (d) location, type, size, and proposed use of any new structures to be built on the property (if applicable).

- (D) Provide written recommendations, endorsements, and studies of appropriate State agencies, public officials of State and local governments, and recognized national or local sponsoring associations or organizations. Applicants should only submit information pertinent to the proposed program.
- (E) Demonstrate that the applicant is qualified to implement the program of use. Provide a description of:
  - (1) The organization's present staff in terms of numbers and qualifications;
  - (2) The range of services currently provided and the length of time any current programs have been operating;
  - (3) The proposed level of staffing and qualifications of such staff as needed for the proposed program;
  - (4) The proposed number and qualifications of new staff the applicant plans to hire, versus the existing staff, to meet the demands of the proposed program; and
  - (5) Past experience and demonstrated success of the applicant relevant to the proposed program.
- (F) If need stems from an emergency resulting from a disaster, explain fully.
- (G) If need is a result of requirements to comply with State standards, explain and enclose certifications from appropriate State departments (i.e., State statutes, court decisions, etc.)
- (H) Identify any real estate owned or leased by the applicant organization. If applicable, include a statement that the real estate owned or leased by the applicant organization is not suitable for the proposed program of utilization.

**4. Renovation/Building Plans, Cost Estimates, and Ability to Finance**

- (A) State that the property is suitable for the proposed use and/or provide plans for its conversion, including a rough draft of the floor plan and a plat of the property showing any existing and planned improvements. If there are any easements, rights of use, zoning regulations, or other encumbrances, existing or proposed, which would impede the homeless assistance program, please identify.
- (B) Detail the estimated costs anticipated to prepare the property for full utilization, including:
  - (1) Renovations to existing facilities;
  - (2) Construction of new facilities; and
  - (3) Changes to the land areas (e.g. parking, recreational, open space).

**NOTE:** Any future improvements or renovations to the requested property planned for an unknown future date after the property is in use, unless detailed in full including

proposed plans and a cost estimate in this application, are considered speculative and must receive approval from HHS prior to commencing construction.

- (C) Detail the estimated costs anticipated to operate the program, including any maintenance costs.
- (D) Give a full and complete statement of the ability to finance, operate, and maintain the property requested. Identify the source of funding for converting the property for its intended use, including any new improvements. Identify funding sources for program operations separately. Be sure to include the capital outlay budget and the following, if applicable:
  - (1) Special building funds;
  - (2) Undistributed reserve;
  - (3) Property tax rate;
  - (4) Funds available for personnel and maintenance (include any expected volunteer resources, if applicable);
  - (5) Amount raised by taxation;
  - (6) State appropriation;
  - (7) Other (contracts, services, federal payments, fund-raisers, grants, etc.)

**NOTE:** If the funding sources under "Other" are of a general nature, the application should provide details for each source listed under "Other", including any past grants, uses of past grants, prior fund-raising activities, commitment letters, details of awards, etc.

**NOTE:** HHS prohibits commercial incoming-producing activity (i.e. not rental income) on transferred property, except in such cases where the income-producing activity's goods and/or services relate directly to the approved program. Any income produced, must return to the approved program in order to defray the costs of operation and maintenance, and the applicant must account for such income in their fiscal records.

- (E) If the applicant contemplates that major construction/renovation is necessary to make the property suitable for full utilization, and funds are not currently available, give plans and proposed sources of funding to carry out the proposed program and development. Please include the estimated amount of funds each source will provide, including any anticipated grants.

#### **5. Local Government Notification**

- (A) The applicant must provide written notification of its proposed program to the applicable unit of local government responsible for providing sewer, water, police, and fire services. Please provide copies of these notices.

#### **6. Completion of Attachments A, B, and C**

- (A) The applicant must certify, by signature of **Attachment A**, its assurance of compliance with nondiscrimination, insurance, and protection and maintenance requirements.
- (B) Complete the governing board resolution, enclosed as **Attachment B**, authorizing a representative to act on behalf of the applicant organization. Be sure to fill out the information regarding the property name and description.

**NOTE:** The certifying officer must be an official other than the representative named in the Resolution. Please provide a copy with the original and each copy of the application.

- (C) The National Environmental Policy Act of 1969 (P.L. 91-190 42 U.S.C. Sections 4321-4347) requires consideration of the environmental effects that may result from major Federal actions significantly affecting the quality of the human environment, including real property conveyances. Your completion of the Environmental Questionnaire found in **Attachment C** will assist us in evaluating any potential environmental effects arising from your proposal. **You are required to provide the documentation supporting your questionnaire responses and may be required to provide more detailed information at a later time.**

#### 7. Certification

I, \_\_\_\_\_, certify that the information in this application  
(Name of authorized official)

is true, accurate and complete to the best of my knowledge. I also understand that the Department of Health and Human Services' (HHS's) approval of this application does not constitute the final decision on whether to transfer the property. Authority to assign the property for transfer rests with the disposal agency, not HHS.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Signature and Title of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Authorized Official

If you have any questions regarding the application, or the application process, please call Real Property Disposal, Real Property Management Services, at (301)443-2265. Applicants can receive additional assistance if they have any problems with the application/transfer process by contacting the National Law Center on Homelessness and Poverty at (202)638-2535. For general information on other homeless assistance programs or grants, call the Interagency Council on Homelessness at (202)708-4663.

ATTACHMENT A

APPLICANT CERTIFICATION

1. The applicant will not discriminate on the basis of race, color, national origin, religion, sex, age, familial status, or handicap in the use of the property, and will maintain the records required to demonstrate compliance with the following Federal laws: section 606 of the Federal Property and Administrative Services Act of 1949; the Fair Housing Act (42 U.S.C. § 3601-19); Executive Order 11063 (Equal Opportunity in Housing), as applicable; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federally Assisted Programs); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07) and implementing regulations; and the prohibitions against otherwise qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Architectural Barriers Act Accessibility Standards (ABAAS) (36 CFR 1191, Appendices C and D); and all other implementing regulations for the above listed statutes.
2. The applicant agrees for itself, its successors and assigns, that it shall insure all conveyed improvements against loss, damage, or destruction. If any such loss, damage, or destruction shall occur during the period grantee holds title to said property subject to conditions subsequent 1 through 5, said insurance and all monies shall be held in trust by the grantee, its successors or assigns, and shall be promptly used by the grantee for the purpose of repairing such improvements and restoring the same to their former condition and use or for the purpose of replacing said improvements with equivalent or more suitable improvements or, if not so used, the grantee shall cause to be paid over to the Treasurer of the United States that part of the insurance proceeds that is attributable to the Government's reversionary interest in the property lost, damaged, or destroyed, determined on the basis of the fair market value of the facilities at the time of the loss, damage, or destruction.
3. The applicant covenants and agrees for itself, its successors and assigns, that in the event the grantor exercises its option to revert all right, title, and interest in the property to the grantor, or the grantee voluntarily returns title to the property, the grantee shall provide protection to and maintenance of the property until such time as the title reverts to and is accepted by the grantor. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the General Services Administration in its Customer Guidance for Real Property Disposal in effect as of the date of the deed, as referred to in the Federal Management Regulations (FMR) §102-75.965 (41 CFR 102-75.965). A copy of the applicable portions are attached (Attachment D) to the application.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Signature and Title of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Authorized Official

ATTACHMENT B

RESOLUTION TO ACQUIRE PROPERTY

Whereas, certain real property owned by the United States, located in the County of

\_\_\_\_\_, State of \_\_\_\_\_, has been declared surplus and is subject to assignment for disposal for homeless purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and Title V of the McKinney-Vento Homeless Assistance Act, as amended; and the rules and regulations promulgated pursuant thereto, more particularly described as follows *[Please insert property name and description below (full legal description is not required at this time)]*:

Whereas, \_\_\_\_\_  
(Legal name of applicant)  
needs and can utilize said property for public health purposes in accordance with the requirements of said Acts and the rules and regulations promulgated pursuant thereto, of which this Board is fully informed, including commitments regarding use and time within which such use shall commence.

Now, Therefore, Be It Resolved, that \_\_\_\_\_  
(Legal name of applicant)  
has legal authority, is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that \_\_\_\_\_,  
(Name of Official(s) legally authorized)

\_\_\_\_\_, is/are hereby authorized, for and on behalf of the  
(Title of Official(s))

\_\_\_\_\_ to do and perform any  
(Legal name of applicant)  
and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the property.

If the applicant is unable to place the property into use with the time limitation indicated below (or determines that a deferral of use should occur), it is understood that the

\_\_\_\_\_ will pay to the Department  
(Legal name of the applicant)  
of Health and Human Services for each month of nonuse beginning twelve (12) months after the date of the deed, or thirty-six (36) months where construction or major renovation is contemplated, the sum of 1/360 of the then market value for each month of nonuse.

If the Department of Health and Human Services approves the application, the board will file a copy of the application and standard deed/lease with their permanent minutes.

\_\_\_\_\_  
Legal Title of Governing Body of Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

I, \_\_\_\_\_, hereby certify that I am the  
(Name of Certifying Officer)

\_\_\_\_\_, of the \_\_\_\_\_  
(Title of Certifying Officer) (Title of Governing Body)  
and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote  
of a majority of members of \_\_\_\_\_ present at a meeting of said  
(Title of Governing Board)

Board on \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_ at which a quorum was present.

\_\_\_\_\_  
Signature of Certifying Officer

**Note:** The person named in the Resolution **cannot** sign as the Certifying Officer.

## ENVIRONMENTAL QUESTIONNAIRE

### Introduction

The Department of Health and Human Services (HHS) is required to include environmental information in its decision-making activities, including the consideration of applications for the use of excess and surplus real property for Homeless purposes under the Federal Property Assistance Program. It is therefore necessary for the applicant to submit environmental information to HHS. HHS uses this information to evaluate the potential environmental impacts of your proposed program of use, as described in your application.

The General Services Administration (GSA) and other agencies (when appropriate) have included environmental information in their management of the property, including the decision to make it available for this program. However, the information provided does not include information about your program's use of the property including various actions and/or activities which were unknown to the other agencies at the time of their disposal decisions.

This application is a request for HHS action (the transfer of Federal property). Therefore, HHS retains the responsibility to evaluate independently the adequacy and accuracy of the information submitted, and to make its own evaluation of the environmental issues which may arise.

HHS will use the requested information to determine if the requested action is a Categorical Exclusion (CatEx) in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. If the action is a CatEx, no further environmental review is required. However, if there is insufficient information to make a determination, additional information will be required. In some circumstances, such as the renovation of a Historic Property or major construction, HHS may approve an incomplete application, subject to the completion of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), if the application is otherwise complete. If the applicant does not cooperate or refuse to provide requested information for either an EA or an EIS, HHS will consider the application incomplete, and thus disapproved.

### Instructions

Please give a detailed response for each question. If a question is not applicable, state as such along with any information that lead to that determination. Applicants must provide a basis for determination for each answer and attach all relevant documents used to answer the questions. Number and answer each question as presented, and include the applicant organization's name and the property's name and location (municipality, and State) on the top of each page.

There is no need to duplicate any efforts made elsewhere. If an EA or an EIS has been prepared on the proposed project for another local, state, or Federal agency which addresses all of the requested information, attach the EA or EIS in lieu of attaching a completed questionnaire.

Failure to provide the requested information will necessitate returning the application for completion.

### **Basis for Determination and Documentation**

The basis for determination and any requisite documentation must be traceable and establish the factual data to support the response to each question. The information may include, but is not limited to:

- Printed Material: comprehensive land use plans, zoning maps, city master plans, environmental baseline surveys, an EA/EIS, other documented Federal determinations, etc.;
- Personal Contacts: communication with accepted authorities on the subject(s) along with supporting documentation, including the name, organization, the title of the person contacted and the date of the conversation;
- Site Visit: initial inspection of the property, and surrounding area, in order to make preliminary determinations regarding environmental issues, along with supporting documentation including the date of the site visit, by whom, and observations; testing or sampling not required at this time.

### **Guidance**

- ✓ The requested information will assist HHS in the environmental review of the proposed Federal action – transferring the property to the applicant organization. Detailed and clearly stated responses allow HHS to more efficiently and accurately assess the environmental impact, and are in the applicant organization's best interest.
- ✓ Several questions ask to compare the proposed use to the prior use. If the property is currently a vacant structure, use the last occupied use of the structure as the point of comparison. If the structure has been vacant for an extended period of time, or is an undeveloped tract of land, use its current unoccupied state as the point of reference.
- ✓ The questions focus on the impact of the proposed use of property on the surrounding environment or the demands of the program on public resources. To better answer these questions, keep in mind the demographics of the area and the demographics of the clientele, including age, served by the proposed program. For example, if the surrounding area is industrial or undeveloped, a temporary shelter for homeless youth will have a different demographic than the surrounding area and most likely require different and/or additional public resources.
- ✓ Due diligence is expected. It is not necessary to consult an environmental professional, but applicants should research any unknowns, contact local and State officials for information, and request any available information from the land-holding Federal agency, GSA, and/or the U.S. Department of Housing and Urban Development (HUD).
- ✓ Applicants may contact the disposal agency to arrange a site visit.
- ✓ Please be sure that any information obtained is current and relevant. If a document is lengthy or otherwise difficult to attach to the application, provide a citation for the document so that an outside reviewer can locate the specific reference, e.g., author, document title, publication date, and page number.
- ✓ Applicants should contact HHS if they encounter any difficulty or confusion in trying to find requested information. Applicants may reach a Realty Specialist at (301)443-2265 or at [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov).

## Questions

### CURRENT CONDITION OF PROPERTY

1. If there are any structures on the property:
  - a. List the year in which they were built.
  - b. If the structure is over fifty (50) years-old:
    - i. Is the structure on the National Register of Historic Places?
    - ii. Contact the State Historic Preservation Officer (SHPO) to determine if the proposed use will adversely impact a historic property. Document and provide a copy of any response from the SHPO.
2. Describe any current contamination or adverse environmental condition of the requested property and the ground water below the property. This includes lead-based paint and asbestos in any current structures on the property. Applicants should also list any publicly known contamination on neighboring sites, including if there are any sites on the U.S. Environmental Protection Agency's National Priorities List (NPL) within 1 mile of the property (available at <http://www.epa.gov/superfund/sites/npl/npl.htm>). An in-depth search is not required.
3. State any known institutional controls on the property due to environmental contamination (this may include use restrictions, covenants, deed notices, etc. imposed by a prior owner or local, State, or Federal agency).
4. Provide copies of any relevant land use plans (Federal, state, or local) for the requested property, and explain any known conflict(s) between the proposed use and any relevant land use plans.

### WASTE AND POLLUTION

5. What kind/amount of waste will the proposed program create (e.g. municipal waste, construction debris, hazardous waste)?
  - a. If there will be any hazardous waste produced/disposed of on the property, please detail which activities will produce the waste. Such activities include, but are not limited to, dry cleaning, air conditioning repair and service, motor pools, automobile repair, welding, services stations, gas stations, landscaping, agricultural and farming activities, print shops, hospitals, clinics, and medical facilities.
  - b. Detail the disposal plans for any hazardous waste.
6. What pollution prevention measures, if any, does the applicant plan for the location, design, construction, or operation of the proposed use (including soil, sedimentation, or erosion controls, and source reduction/recycling)?

7. Does your State or local government require a storm water control plan for the proposed use of the property?

#### SURROUNDING COMMUNITY

8. What is the scope of the use of the surrounding property (e.g. residential, commercial, or mixed-use), and is the proposed use uncharacteristic of the area?
9. Will there be any change in the community noise level, relevant to the time of day, due to the proposed use of the property?
10. Describe any direct or indirect effect on near by parkland, other public lands, or areas of recognized or scenic value.
11. Will the proposed use of the property emit, or cause to be emitted, any air pollutants?
12. Will the proposed use of the property change the amount of carbon dioxide and other green house gases released as compared to the prior use of the property?

#### PUBLIC RESOURCES

13. Does the proposed program require the construction/development of any new public facilities or services (e.g. schools, medical facilities, roads, sewage, or public transportation)?
14. Will the proposed use of the property require an increase in or the generation of more energy/electricity? (Contact the local utility or supplier and document the name and date of contact.)
15. Will the proposed use of the property require an increase in other non-electric utilities such as natural gas?
16. Will the proposed use of the property change the amount of solid waste generated on the property compared to the prior use?
17. Will the proposed use of the property increase the amount of wastewater in need of treatment from the property compared to the prior use?

#### FEDERAL LAW

18. Safe Drinking Water:
- a. Is the property in proximity to an EPA designated sole source aquifer?
  - b. Will the proposed use of the property change the amount of drinking water needed as compared to the prior use?

19. Floodplains:

- a. Is the property located in a flood plain?
- b. Will the proposed use of the property encourage development in a floodplain?

20. Wetlands and Navigable Waters (lakes, rivers, streams, etc.; including any ditch, culvert, or other source of water that has a hydrologic connection to a larger body of water):

- a. Are there any wetlands or water resources on or near the property?
- b. Does the proposed use of the property require construction in wetlands?
- c. If construction is required, will there be any dredging or filling of a wetland or water resource?

21. Coastal Zone Management:

- a. Will the proposed use of the property directly affect a designated Coastal Zone? (Coastal Zones are not necessarily the just area immediately next to the coast; some zones encompass the entire State, such as Florida, or major watersheds such as the Chesapeake Bay watershed.)
- b. If so, provide the State Coastal Zone Management Plan and highlight any potential conflicts? (Each State adjacent to a coast, including those located in the Great Lakes region, should have a State office to manage its coastal zone development and use.)

22. Wild and Scenic Rivers:

- a. Is the property located near a wild, scenic, or recreational river area?
- b. If so, will the proposed use create conditions inconsistent with the character of the river?

23. Farmland Protection:

- a. Will the proposed use of the property convert any agricultural lands to non-agricultural uses?

24. Wilderness:

- a. Is the property located near a designated Wilderness Area or other public land with a similar designation?
- b. If so, will the proposed program have any direct or indirect affect on the Wilderness Area or public land?

25. Endangered Species:

- a. Does the property have, or is it located near, any critical habitat of an endangered or threatened species?
- b. Will the proposed use of the property affect, directly or indirectly, any Federal or State listed endangered or threatened species?

DUE DILIGENCE

26. Demonstrate that the applicant has performed due diligence to ensure that the proposed use of the property will not result in a known violation of applicable (Federal, State, or

local) laws or regulations that protect the environment or public health and safety. If the proposed use will result in a known violation, explain fully.

27. Describe, within reason, any known controversy over the environmental effects of the proposed use for the property.

#### CERTIFICATION

28. Either complete a copy of the below certification or complete and remove this page from the application.

I, \_\_\_\_\_, certify that the information in the  
(Name of Authorized Official)  
Environmental Questionnaire is true, correct, and accurate to the best of my knowledge.

I understand that HHS may require more environmental information prior to either the approval/disapproval of the application or transfer of the requested property. Such information may include, but is not limited to, Environmental Assessments or Environmental Impact Statements.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Signature and Title of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Authorized Official

## ATTACHMENT D

### PROTECTION AND MAINTENANCE STANDARDS

The following is an excerpt from the GSA's Customer Guide to Real Property Disposal, as referred to in the Federal Management Regulations (FMR) §102-75.965 (41 CFR 102-75.965):

#### Protection Standards

##### *For all protected properties--*

- If a property is within the range of municipal or other public protection services but is outside the geographic boundaries of the service provider, then advance arrangements should be made with the local authorities to provide police and fire protection.
- If a property or facility has large areas that need protection, then use automobiles to patrol the area.
- If a property is fenced, only keep open a minimum number of gates.

##### *Fire protection or security personnel are not needed at--*

- Facilities that have no buildings, structures or related personal property.
- Facilities where the value of the improvements and/or related personal property (or realizable recovery of their value) is less than the cost to protect and maintain the property for one year.
- Facilities with little value, which can be locked or boarded up and are located within public police and fire department service areas.
- Facilities where major buildings do not contain large quantities of easily removable personal property and also are equipped with automatic sprinklers supervised by a monitoring service.
- Facilities where agreements can be made with a lessee of a portion of the property to protect the remaining portion(s) at no cost or nominal cost.

##### *Properties that need a resident custodian (guard) are--*

- Facilities containing little removable personal property but have many buildings that will be sold for off-site use when
  - the buildings have low realizable value
  - the buildings are spaced far enough apart that loss of more than a few buildings in a single fire is improbable
  - the buildings are located near water for firefighting purposes and the local public fire and police protection services will respond promptly.
- Small inactive industrial and commercial facilities that need to remain open for inspection and public fire and police protection can be secured by telephone.
- Facilities whose highest and best use is salvage.
- Facilities with only salvage value but are potentially dangerous and attractive to children or curiosity seekers and posting signs is not sufficient to protect the public or the property.

##### *Properties needing continuous guard service are--*

- Fenced facilities with high market value require one guard on duty at all times (5 guards in total are required).
- These properties are permitted one open gate which can be locked during patrols.
- All buildings can be locked.
- Local fire and police protection can be secured by telephone.

#### *Properties needing a high degree of protection*

At a minimum, two firefighter-guards will be on duty at all times for the classes of facilities listed below. Consider all relevant and pertinent factors when deciding on the number and assignment of the guards.

- Facilities with a high market value that require an on-site fire-fighting force adequate to subdue fires until outside help arrives.
- Facilities with a high market value without access to outside assistance, require an on-site fire-fighting force adequate to extinguish fires.
- Facilities with a high market value with large areas to patrol.
- Facilities with a high market value with no fencing and containing large quantities of personal property susceptible to pilferage.
- Facilities with a high market value needing several gates open for operating purposes.

#### *Firefighter-Guards*

Firefighters and guards provide fire protection and security for excess and surplus real property requiring both forms of protection. Combine the duties of each to the maximum extent possible. In the interest of cost savings, they can also be used for various miscellaneous services such as grass/weed removal, servicing fire extinguishers, and other activities related to the general protection of the property.

#### *Operating Requirements of Protection Units*

Firefighter-guards or guards should periodically patrol facilities requiring protection. The frequency of the patrols will be determined by the location and size of the facility, type of structures and physical barriers, and the amount and type of activity at the facility. In some instances, a centralized monitoring service provider will suffice.

#### *Watchman's Clock*

To ensure adequate coverage of the entire property by firefighter-guards or guards, an approved watchman's clock should be provided, with key stations strategically located to enable guards to cover the entire property.

#### *Protection Alarm Equipment*

Automatic fire detection devices and related equipment and services can substantially reduce protection costs. However, using these devices are primarily for obtaining fire and police protection in an emergency. Such devices can supplement or in some cases, eliminate the need for guard patrols.

#### *Sentry Dogs*

Some high market value facilities that cover a large area and/or are in remote locations, invite intrusion by curiosity seekers, hunters, vagrants, etc. These facilities require special protection measures. Using sentry dogs is a cost effective alternative to additional security personnel. Get advice on the use, care, and training from the nearest police department using sentry dogs. Also, when sentry dogs are used to protect government property, post a sign with view unobstructed that says "Warning—This Government Property Patrolled by Sentry Dogs."

### **Maintenance Standards**

The following standards or criteria should be used as a guide for the upkeep of excess and surplus real property:

#### *Temporary Buildings and Structures*

Vacant temporary structures should not be maintained except in unusual circumstances.

Temporary buildings housing personal property that cannot be readily removed to permanent structures should be maintained only to the extent necessary to protect the personal property.

#### *Permanent Buildings and Structures*

- (a) Don't paint the interior. Only spot paint exterior wood or metal surfaces to prevent serious deterioration.
- (b) Limit carpentry and glazing to only that which is necessary to close openings to prevent weather damage and pilferage, repair damage to floors, roofs, and side-walls to prevent further damage, shoring and bracing to prevent structural damage, and other similar operations.
- (c) Patch damage to roofing and sheet metal as necessary.
- (d) Perform masonry repairs, such as brick, tile, and concrete work only to prevent leakage or disintegration or to protect against imminent structural damage.
- (e) Don't heat buildings for maintenance purposes except in unusual circumstances.

#### *Mechanical and Electrical Installations*

These include plumbing, heating, ventilating, air conditioning, sprinkler systems, fire alarm systems, electrical equipment, elevators, and other similar systems.

##### **For inactive facilities:**

- Maintain mechanical and electrical systems only when necessary to stop or prevent serious deterioration.
- Employ personnel for this work temporarily, at periodic intervals when an inspection indicates that this work is necessary.
- De-energize electrical systems, drain water from all fixtures, turn off heat, and secure the building against unauthorized entry.
- Drain sprinkler systems during freezing weather and reactivate when there is no danger of freezing.

##### **For active facilities:**

- Keep equipment in reasonable operating condition.
- Operate equipment to service private tenants or procure utility services to distribute to private tenants only to the extent necessary to comply with a lease or permit, or in cases where tenants can't get these services directly from utility companies or other sources.
- Inspect (periodically) facilities that have elevators and/or high-pressure boilers and related equipment. Inspections should be made by qualified, licensed inspectors to protect against injury or death to personnel and damage to property.
- Use individual heaters, when practical, instead of operating heating plants.

#### *Grounds, Roads, Railroads, and Fencing*

- Limit grounds maintenance to the removal of vegetation in order to avoid fire hazards and to control poisonous or noxious plant growth in accordance with State and local laws and regulations.

- Plow fire lanes where needed.
- Remove snow from roads and other areas to the extent necessary for access for maintenance, fire protection, and other similar activities.
- Sell hay crops (wherever practicable) to the highest bidder (s) with the purchaser performing all labor in connection with cutting and removal.
- Use agricultural and/or grazing leases to reduce costs of grounds maintenance, where practical.
- Maintain the portion of road network necessary for fire trucks and other minimum traffic. These roads should be maintained to the extent necessary to allow safe passage at a reasonable speed.
- Maintain railroads to the extent necessary for protection and maintenance operations or as required in lease or permit provisions.
- Clear ditches and drainage facilities to allow surface water run-off.
- Fencing and other physical barriers should be sufficient to protect against unauthorized entry.

#### *Utilities*

In cases where utilities are purchased by contract, review the utility contracts to see if you can save money by revising them.

#### **For inactive properties:**

- Maintain water systems, sewage disposal systems, electrical distribution systems, etc., to the extent necessary to provide minimum service.
- De-energize electrical systems and turn off the water in buildings or areas that don't require these services.
- Don't maintain utilities not in use or that service dismantled or abandoned buildings/structures.

#### **For active properties:**

- Operation rates for water supply, electrical power, and sewage disposal facilities should be far below normal capacities.
- Use engineering studies to determine structural and operating changes necessary for maximum economy.
- Turn off, rather than repair, leaky water lines unless they are necessary for fire protection or other purposes.

#### *Properties Disposed of as Salvage*

Do not spend money to maintain property whose highest and best use is salvage.

#### **Repairs**

Limit repairs to additions or changes necessary for preservation and maintenance of the property to--

- Deter or prevent excessive, rapid, or dangerous deterioration or obsolescence.
- Restore property damaged by storm, flood, fire, accident, or earthquake when restoration is required.

ATTACHMENT E

**RULES GOVERNING PERMANENT SUPPORTIVE HOUSING**

Federal Register: July 10, 2006 (Volume 71, Number 131)]  
[Notices]  
[Page 38882-38883]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center; Use of Federal Real Property To Assist the Homeless

AGENCY: Program Support Center, HHS

ACTION: Final notice

[Page 38882]

SUMMARY: Title V of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11411 (Title V) authorizes the Secretary of Health and Human Services (the Secretary) to make suitable Federal properties categorized as excess or surplus available to representatives of persons experiencing homelessness as a permissible use in the protection of public health. This notice finalizes a policy revision under Title V to include permanent supportive housing as an allowable use of surplus real property to assist persons experiencing homelessness. The purpose of this policy revision is to increase the supportive housing and service opportunities available to communities as they respond to homelessness, and is consistent with efforts within Federal, State, and local governments, and communities themselves, to end chronic homelessness. This final notice follows publication of a notice and request for comments on January 26, 2006.

DATES: Effective Date: September 1, 2006.

FOR FURTHER INFORMATION CONTACT: John G. Hicks, Chief, Space Management Branch, Division of Property Management, Administrative Operations Service, Program Support Center, Room 5B-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone number (301) 443-2265.

SUPPLEMENTARY INFORMATION:

I. Discussion of the Public Comments on the Proposed Policy Revision

On January 26, 2006 (71 FR 4366), the U.S. Department of Health and Human Services (HHS) published a notice and request for comments that described a proposed policy revision under Title V to include permanent supportive housing as an allowable use of surplus real property to assist persons experiencing homelessness. The public comment period closed on February 28, 2006. HHS received comments from 16 respondents representing a variety of organizations and entities. Comments were received from: homeless service providers; homeless advocacy groups; a public housing authority; and Federal, State, and city government agencies.

## II. General Comments About the Draft Notice

All of the comments received expressed support for the proposed policy revision. Eight of the respondents expressed support for the policy revision with no further comment.

Comment: Five of the respondents suggested that HHS should further revise the policy to allow all forms of non-supportive affordable permanent housing to be included as an eligible use under Title V.

HHS Response: Title V of the McKinney Act directs HHS to include, as a permissible use in the protection of public health, the furnishing of surplus real property to assist homeless individuals and families. The Secretary exercises the authority to approve permanent supportive housing programs for Title V, consistent with HHS' mission to protect the public health. The provision of low-income housing (i.e. the Section 8 Housing Choice Voucher Program) is under the purview of the U.S. Department of Housing and Urban Development (HUD). HHS, as the nation's public health agency, does not operate low-income housing programs, and does not intend to duplicate already existing programs operated by HUD. The proposed policy revision is intended to reaffirm HHS' 1992 determination that the provision of low-income housing does not constitute an appropriate public health use of surplus real property under Title V. In contrast, we are proposing a permanent supportive housing program that is long-term, community-based, and linked to supportive services for homeless persons with disabilities.

Comment: Three of the respondents recommended that the definition for permanent supportive housing should include the term "affordable."

HHS Response: HHS has modified the definition of permanent supportive housing to include the term affordable.

Comment: Three of the respondents recommended that the term "disability" should be explicitly defined.

HHS Response: HHS has included a definition for disability in the final Notice.

## III. Background

The HHS Program Support Center (PSC) administers the Federal Real Property Assistance Program, the program that governs the transfer of surplus Federal real property for public health purposes under Title 40, section 550 of the United States Code, "Public Buildings, Property, and Works," and the transfer of excess and surplus Federal real property pursuant to Title V.

Under Title V, a representative of persons experiencing homelessness may submit an application to the Secretary of HHS to acquire suitable excess or surplus Federal real property for use in the assistance of persons experiencing homelessness. In 1991, HHS, HUD, and the General Services Administration (GSA) jointly published a regulation implementing the provisions of Title V, codified at 45 CFR part 12a (the joint regulation). Title V authorizes the Secretary to make

property in these categories available to representatives of persons experiencing homelessness, by lease or deed, as a public health use pursuant to subsections (a) to (d) of section 550 of Title 40, United States Code. In accordance with subsection (d) of Title 40, the Secretary may propose to sell or lease property assigned to the Secretary for use in the protection of the public health, including research. To implement both Title V and section 550 of Title 40, the Secretary determines whether an applicant's proposed program of utilization is an approvable public health program, and then recommends to the Administrator of GSA which excess and surplus real property is needed for that approved program in the protection of the public health. 40 U.S.C. 550(d); 45 CFR 12.3(a).

Title V directs HHS to include, as a permissible use in the protection of public health, the furnishing of surplus real property to assist homeless individuals and families. Title V does not prescribe appropriate homeless assistance programs.

HHS concluded in 1992 that long-term housing did not constitute an appropriate public health use of surplus real property under Title V. HHS subsequently adopted the HUD standard, limiting occupancy in Title V's transitional housing programs to 24 months. Until now, HHS has not considered whether the provision of long-term, community-based housing linked with supportive services for persons experiencing homelessness was a permissible public health use.

The Secretary exercises the authority to approve permanent supportive housing programs for Title V, consistent with HHS' mission to protect the public health. There are several critical distinctions between the policy decision in 1992 regarding the use of surplus real property for low-income housing and the current policy revision to allow surplus real property to be used for permanent supportive housing. Low-income housing is defined as subsidized housing opportunities for individuals with low incomes. The provision of low-income housing (i.e. the Section 8 Housing Choice Voucher Program) is [Page 38883] under the purview of HUD. HHS, as the nation's public health agency, does not operate low-income housing programs, and does not possess the experience or expertise to complement HUD's mission. The policy revision is intended to reaffirm HHS' 1992 determination that the provision of low-income housing does not constitute an appropriate public health use of surplus real property under Title V. In contrast, we are proposing a permanent supportive housing program that is long-term, affordable, community-based, and linked to supportive services for homeless persons with disabilities.

#### IV. Policy Revision

HHS has historically been involved in the provision of permanent supportive housing, such as through the Projects for Assistance in Transition from Homelessness (PATH) program that is operated in the Substance Abuse and Mental Health Services Administration (SAMHSA). Given HHS' history of involvement in the health service component of supportive housing programs, there is precedent to suggest that this would be an appropriate public health use of surplus real property under Title V.

Permanent supportive housing is a service model that links housing and services together, without the 24-month time limit traditionally imposed by a transitional housing program. Initial research thus far suggests the effectiveness of permanent supportive housing for individuals with

disabilities and those who are chronically homeless. In several studies, this model has been successful at achieving housing stability. For example, placement of homeless people with severe mental illness in permanent supportive housing is associated with reductions in subsequent use of shelters, hospitalizations, and incarcerations (Culhane et al., 2001). Early outcomes in a study of supportive housing with integrated services suggest that these services reduced the use of emergency health care rooms, psychiatric and detoxification programs as well as inpatient care (Corporation for Supportive Housing, 2000). Experimental studies comparing the relative impact of case management and housing resources suggest that long-term housing resources are distinctively effective in reducing homelessness (Rosenheck, 2003).

The policy revision will allow property acquired through the Title V process to be utilized for the development of permanent supportive housing programs that provide permanent housing along with supportive services to homeless people in need of public health assistance and/or services (e.g., substance abuse, mental health, case management, medical care services, and disabled and frail elderly homeless services). This revision would not preclude communities from using surplus property to develop transitional housing programs, emergency shelter programs, or any other homeless assistance program currently approvable by HHS, but simply expands the options available under Title V.

For the purpose of the Title V program, permanent supportive housing means long-term, affordable, community-based housing that is linked to appropriate supportive health and social services (e.g., substance abuse, mental health, case management, medical care services, and disabled and frail elderly services) that enable homeless individuals and homeless families with disabilities to maintain housing. Permanent means there is no time limit to residency, provided a tenant meets conditions of occupancy as established by the program. Affordable means that generally households or tenants pay no more than 30 percent of the occupant's annual income on rent. Eligible populations for this program include homeless individuals with a disability, homeless families with a disabled family member (either parent or child), and homeless frail elderly populations. For the purposes of this program, a disability is defined as a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living. This definition of disability was developed collaboratively by HHS, HUD, and the Department of Veterans Affairs for the Chronic Homelessness Initiative.

The same evaluation criteria outlined in the joint regulation will continue to apply to all applications received for consideration under Title V, including those requesting property to be used for permanent supportive housing. Applicants must fully describe the proposed program, demonstrate how the services to be provided will address the needs of the homeless population to be served, and otherwise comply with the requirements of Title V and the joint regulation.

Existing grantees or lessees interested in changing current programs to include permanent supportive housing are requested to provide a written expression of interest to the Division of Property Management, Administrative Operations Service, Program Support Center, Room 5B-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Grantees and lessees will be required to submit an amended application.

### **PAPER WORK REDUCTION ACT STATEMENT**

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to vary from 20 to 1,000 hours with an average of 200 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data necessary, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Program Support Center Reports Clearance Officer  
Room 17A-08, Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857

## GOVERNMENT PROPERTY

### NOTICE OF DETERMINATION OF HOMELESS SUITABILITY AND AVAILABILITY

59 Acre ± Portion of the Denver Federal Center  
Intersection of Union Blvd. and W 4<sup>th</sup> Ave.  
Lakewood, Colorado 80225

GSA Control Number: 7-G-CO-0441-21-AJ  
HUD Assigned Property Number: 54201430010

October 6, 2017

Notice is hereby given that the subject property has been determined suitable by the Department of Housing and Urban Development (HUD) for homeless use. Since no further Federal requirement exists, the subject property has been made available for homeless use by the General Services Administration (GSA) and was published on the HUD Exchange Title V webpage, <https://www.hudexchange.info/programs/title-v/> on **October 6, 2017**.

#### Property Description

The property consists of 59 fee acres, more or less, of vacant land. Property boundary is shown in **Attachment A**.

Applicants with HHS will also have to apply with the Colorado Department of Public Health and the Environment (CDPHE) and be accepted as capable of conforming with CDPHE's Corrective Measures Work Plan and Landfill Cover Materials Handling Plan before being allowed to own or lease the subject property.

Under Title V of the Stewart B. McKinney Homeless Assistance Act (McKinney Act), as amended, public bodies and eligible nonprofit organizations concerned with providing assistance to the homeless may apply to lease Government property determined suitable by HUD and made available by GSA for homeless use. Also, States and their political subdivisions and instrumentalities, tax-supported institutions, and nonprofit institutions which have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code may apply to acquire Government property determined suitable by HUD and made available by GSA for homeless use by Deed, pursuant to 42 U.S.C. 11411. Interested parties will have **30 DAYS** from the above date to submit a written expression of interest and obtain necessary application instructions from the

Department of Health and Human Services (HHS). Public bodies and eligible nonprofit organizations wishing to apply for the property should contact:

U.S. Department of Health and Human Services  
Ms. Theresa Ritta

Program Manager, Federal Real Property Assistance Program  
Real Property Management Services  
Program Support Center  
7700 Wisconsin Avenue, 10<sup>th</sup> Floor  
Bethesda, MD 20814  
Telephone: 301-443-6672  
Email: [rpb@psc.hhs.gov](mailto:rpb@psc.hhs.gov)

The General Services Administration (GSA) administers a program for the donation of Federal surplus personal property through a network of State agencies for surplus property. A pamphlet describing the surplus property program will be included in the application package provided by HHS.

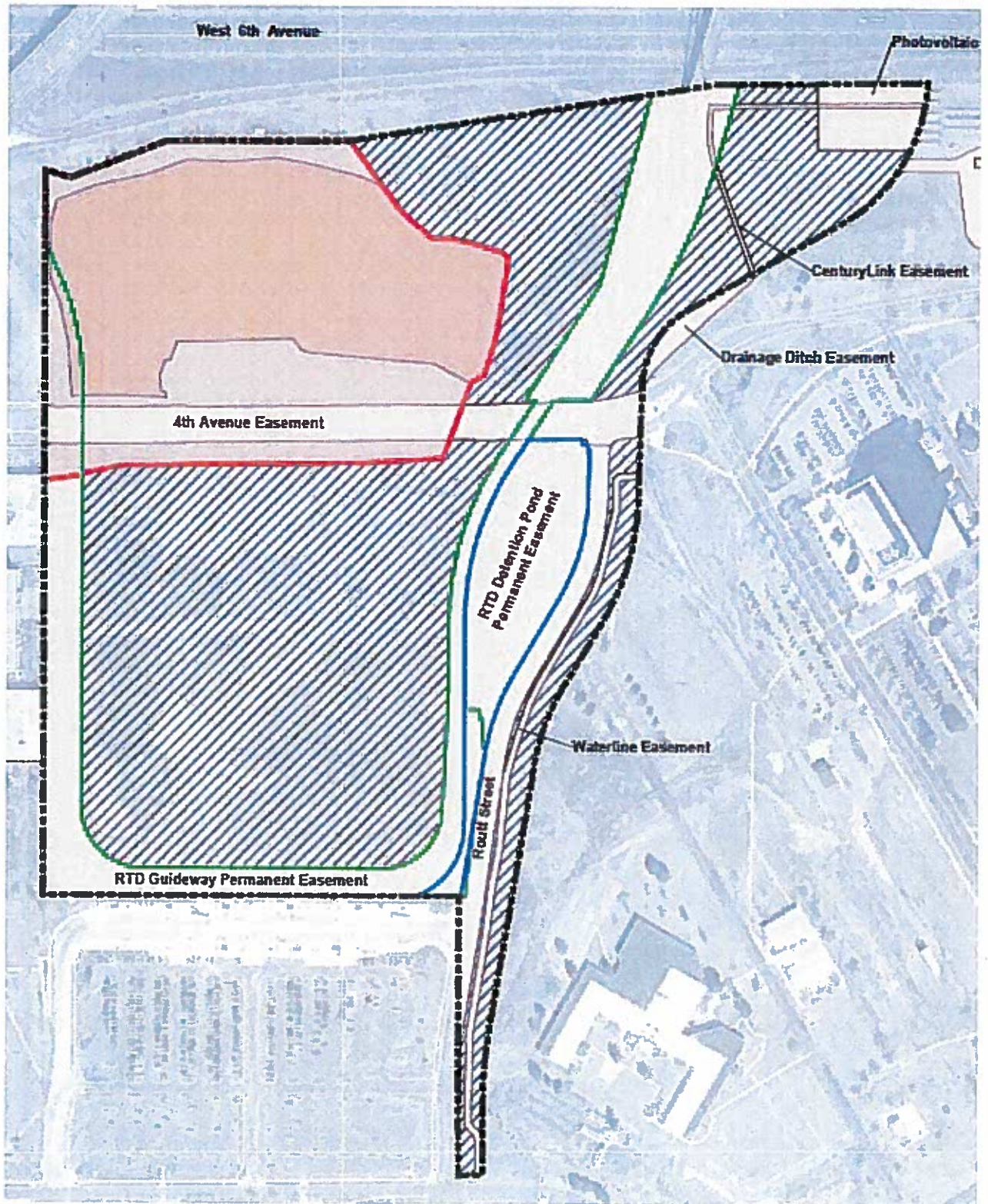
In order for this information to be disseminated as widely as possible, we request that you provide a copy of this notice to any other public body or nonprofit organization concerned with providing assistance to the homeless.

It should be noted that interest might have been expressed by State and local governmental units and eligible nonprofit institutions in acquiring certain of these properties for various public uses. Occupied properties are subject to current occupants vacating the property according to schedule. Other restrictions may also apply.

Automatic notification of properties available to assist the homeless can be obtained by registering on the GSA Property Disposal Resource Center website at <https://propertydisposal.gsa.gov>. Under the section titled, "McKinney-Vento Act Customers," select "Sign up for e-mail notification of available properties." At the sign-up screen enter your e-mail address, agency (if applicable), telephone number (optional), and click on "Subscribe."

More information about the property may be obtained by contacting William Morgan, Project Manager, Real Property Utilization and Disposal Division (7PZ), General Services Administration, 819 Taylor St., Fort Worth, TX 76107, telephone (817) 978-4239, [william.morgan@gsa.gov](mailto:william.morgan@gsa.gov).

## Attachment A





October 6, 2017

Chief, Real Management Branch  
Division of Property Management, PSC  
U.S. Department of Health and Human Services  
Parklawn Building, Room 5B-17  
5600 Fishers Lane  
Rockville, MD 20857

**Re: Name of Facility:** 59 Acre Portion of the Denver  
Federal Center; Intersection of  
Union Blvd. & W. 4th Ave.  
**City, County, State:** Lakewood, Jefferson County CO 80225  
**GSA No. :** 7-G-CO-0441-21-AJ  
**Publicaiton Date:** October 6, 2017

Dear Chief, Real Management Branch:

**The Colorado Coalition for the Homeless** is a nonprofit organization, tax exempt under 501(c)(3) of the 1986 Internal Revenue Code, that provides a variety of homeless services.

**Colorado Coalition for the Homeless** is interested in acquiring the above-referenced property to provide supportive housing and supportive services to homeless individuals. Please send application materials to:

**John Parvensky, President**  
**Colorado Coalition for the Homeless**  
2111 Champa Street  
Denver, CO 80205

Should you have any questions or need additional information, please contact me at 303.285.5204 or [jp@coloradocoalition.org](mailto:jp@coloradocoalition.org)

Thank you for your consideration to this request.

Sincerely yours,

(b) (6)

John Parvensky  
303.285.5204

(b) (6)